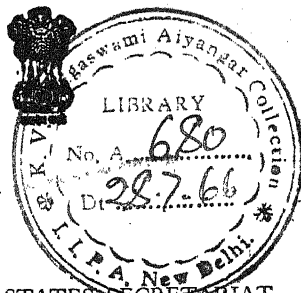


L. S. No. 2

PARLIAMENT OF INDIA
COUNCIL OF STATES

MANUAL

Under Secretary,
Rajya Sabha Secretariat



COUNCIL OF STATES SECRETARIAT
NEW DELHI

1953

PREFACE

This Manual collects in a convenient form the Rules of Procedure and Conduct of Business in the Council of States and the relevant provisions of the Constitution of India pertaining to the constitution, powers and functions of Parliament with particular reference to the Council of States. The Manual also contains certain statutory provisions including some miscellaneous rules and orders having a bearing on the procedure in the Council. The matter included in the Manual has been brought up to date.

An index is also added to the Manual which, it is hoped, will assist Members in tracing those matters on which they need specific information from time to time.

S. N. MUKERJEE,
Secretary, Council of States.

NEW DELHI ;
May 15, 1953.



CONTENTS

	PAGES
PART I	
Rules of Procedure and Conduct of Business in the Council of States.	I—118
PART II	
Extracts from the Constitution.	121—219
PART III	
Extracts from the Representation of the People Act, 1951.	223—234
The Parliament (Prevention of Disqualification) Act, 1950.	235
The Parliament (Prevention of Disqualification) Act, 1951.	236—238
PART IV	
The Houses of Parliament (Joint Sittings and Communications) Rules.	241—244
The Prohibition of Simultaneous Membership Rules, 1950.	245—246
The Council of States (Term of Office of Members) Order, 1952.	247—250
Procedure with regard to Holding of Ballot for Determination of Relative Precedence of Private Members' Bills and Resolutions	251—253
Index	255—283

PART I

Rules of Procedure

TABLE OF CONTENTS

CHAPTER I

SHORT TITLE AND DEFINITIONS

RULE	PAGES
1. Short title	1
2. Definitions	1—2

CHAPTER II

SUMMONS TO MEMBERS, SEATING AND ROLL OF MEMBERS

3. Summons to Members	3
4. Seating of Members	3
5. Roll of Members	3

CHAPTER III

ELECTION OF DEPUTY CHAIRMAN AND PANEL OF VICE-CHAIRMEN

6. Election of Deputy Chairman by the Council	4—5
7. Panel of Vice-Chairmen	5

(Part I.—Rules of Procedure)

RULE	PAGES
8. Powers of the Deputy Chairman or other Member presiding over the sitting of the Council . . .	6

CHAPTER IV

SITTINGS OF THE COUNCIL

9. When is sitting of the Council duly constituted	7
10. Commencement of sitting	7
11. Sittings of the Council	7
12. Conclusion of sitting	7

CHAPTER V

PRESIDENT'S ADDRESS AND
MESSAGES TO THE COUNCIL

13. Allotment of time for discussion of President's Special Address . . .	8
14. Scope of discussion	8
15. Amendments	8
16. Other business that may be taken up	8—9
17. Government's right of reply . . .	9
18. Time limit for speeches	9
19. President's Address under article 86(1) of the Constitution . . .	10
20. Messages by President	10
21. Prorogation of the Council	10

(Part I.—Rules of Procedure.)

CHAPTER VI

ARRANGEMENT OF BUSINESS

RULE	PAGES
22. Arrangement of Government Business.	II
23. Allotment of time for Private Members' Business	II
24. Precedence of Private Members' Bills	II—13
25. Precedence of Private Members' Resolutions	13—14
26. Business outstanding at the end of day	14
27. Resumption of adjourned debate on Private Member's Bill or Resolution	14—15
28. List of Business	15—16

BUSINESS ADVISORY
COMMITTEE

28A. Constitution of the Business Advisory Committee	16
28B. Filling of casual vacancies	16—17
28C. Quorum	17
28D. Functions of the Committee	17
28E. Presentation and circulation of the Report of the Committee	17
28F. Allocation of Time Order	17—18

(Part I.—Rules of Procedure.)

RULE	PAGES
28G. Disposal of outstanding matters at the appointed hour	18
28H. Variation in the allocation of Time Order	18—19

CHAPTER VII

QUESTIONS

29. Time for questions	20
30. Notice of questions	20
31. Form of notice of questions . . .	20—21
32. Notice of admission of questions to Ministers	21
33. Questions for oral answers to be distinguished by asterisks . . .	21
34. Member entitled to oral answers to three questions on a day . . .	21—22
34A. Allotment of days for oral answers to questions	22
35. Written answers to questions not replied orally	22
36. Questions to Private Members . .	23
37. Conditions of admissibility of questions	23—26
38. Questions on matters of corres- pondence between the Govern- ment of India and the Govern- ment of a State	26
39. Chairman to decide admissibility of questions	26—27

(Part I.—Rules of Procedure.)

RULE	PAGES
40. Chairman to decide if a question is to be treated as starred or unstarred	27—28
41. List of questions	28
42. Order in which questions shall be called	28
43. Withdrawal or postponement of questions	28—29
44. Mode of asking questions	29
45. Questions of absent members	29—30
46. Supplementary questions	30
47. Short notice questions	30—31
48. No publicity of answers to questions in advance	31

CHAPTER VIIA

HALF-AN-HOUR DISCUSSION

48A. Discussion on a matter of public importance arising out of answers to questions	32—34
--	-------

CHAPTER VIII

LEGISLATION

I.—BILLS ORIGINATING IN THE COUNCIL

(a) Introduction and publication of Bills

49. Publication before introduction	35
---	----

(Part I.—Rules of Procedure.)

RULE	PAGES
50. Notice of motion for leave to introduce Private Members' Bills	35—36
51. Communication of sanction or recommendation of President in respect of Bills	36
52. Financial Memorandum to Bills and money clauses in Bills	36—37
53. Explanatory Memorandum to Bills delegating legislative power	37
54. Motion for leave to introduce Bill	37
55. Publication after introduction	37—38
<i>(b) Motions after Introduction of Bills</i>	
56. Motion after introduction of Bills	38—39
57. Discussion of principle of Bill	39—40
58. Persons by whom motions in respect of Bills may be made	40
<i>(c) Select Committees on Bills</i>	
59. Composition of Select Committee	41
60. Chairman of Select Committee	41—42
61. Quorum of Select Committee	42
62. Discharge of members absent from meetings of the Select Committee	42
63. Members other than members of the Committee may be present at a meeting	43
64. Casting vote of Chairman of Select Committee	43

(Part I.—Rules of Procedure.)

RULE	PAGES
65. Power to appoint sub-committees . . .	43
66. Meetings of Select Committee . . .	43—44
67. Sittings of Select Committee . . .	44
68. Notice of amendments and procedure generally in Select Committee	44
69. Notice of amendments by members other than members of Select Committee . . .	45
70. Power to take evidence or call for papers, records or documents . . .	45—46
71. Procedure for examining witnesses . . .	46—47
72. Printing and publication of evidence tendered before a Select Committee	47—48
73. Power of Chairman to give direction on a point of procedure or otherwise	48
74. Power of Select Committee to make suggestions on procedure . . .	48
75. Record of the decisions of a Select Committee	48
76. Reports by Select Committee . . .	49—50
77. Presentation of Report	50—51
78. Printing and publication of reports . . .	51
<i>(d) Procedure after presentation of report of a Select Committee</i>	
79. Motions that may be moved after presentation of the report of a Select Committee	51—52
80. Scope of debate on report of Select Committee	53

(Part I.—Rules of Procedure.)

RULE (e) <i>Amendments to clauses etc. and consideration of Bills</i>	PAGES
81. Notice of amendments	53
82. Conditions of admissibility of amendments	54—55
83. Sanction or recommendation of the President to be annexed to notice of amendment	55
84. Communication of sanction or recommendation of President in respect of amendments to Bills .	55
85. Power of Chairman to select new clauses or amendments . . .	55—56
86. Arrangement of amendments . . .	56
87. Order of amendments	56
88. Mode of moving amendments . . .	56
89. Withdrawal of amendments . . .	57
90. Submission of a Bill clause by clause	57
91. Postponement of clause	57
92. Schedule	57—58
93. Clause one, preamble and title of the Bill	58
94. Power of the Chairman to correct patent errors and make consequential changes in a Bill as passed .	58

(f) Passing of Bills

95. Passing of a Bill	58—59
95. Scope of Debate	59

(Part I.—Rules of Procedure.)

RULE	PAGES
97. Bills passed by Council . . .	50
(g) <i>Bills other than Money Bills returned by House with amendment</i>	
98. Bills returned by the House with amendment	60
99. Notice of motion for consideration of amendment	60
100. Procedure on consideration of amendment	60
101. Disposal of amendment	60—61
102. Disagreement between the Houses .	61

(h) *Petitions on Bills*

103. Petitions relating to a Bill	61
104. General form of a petition	61
105. Authentication of signatories to a petition	61—62
106. Counter-signature	62
107. Petition to whom to be addressed and how to be concluded	62
108. Presentation of a petition	62
109. Form of presentation	62
110. Constitution of Committee on Peti- tions	62—63
111. Chairman of Committee on Petitions	63
112. Reference to Committee	63

(Part I.—Rules of Procedure.)

RULE	PAGES
113. Examination and circulation of petitions	63—64
114. Presentation of Report of Committee on Petitions	64
<i>(i) Adjournment of Debate on, and withdrawal and removal of, Bills</i>	
115. Adjournment of the debate on a Bill	64
116. Withdrawal of a Bill	64—65
117. Explanatory statement by member who moves or opposes withdrawal motion	65
118. Removal of a Bill from the Register of Bills	65—66

II.—BILLS ORIGINATING IN THE HOUSE AND TRANSMITTED TO THE COUNCIL.

119. Bills originating in and passed by the House and transmitted to the Council	66
120. Notice	66
121. Motion for consideration	66
122. Discussion	66—67
123. Reference to Select Committee	67
124. Consideration and passing	67
125. Bill passed without amendment	67
126. Bill passed with amendments	68
127. Procedure consequent on consideration of amendments	68

(Part I.—Rules of Procedure.)

RULE	PAGES
128. Appointment of time for consideration of amendments	68
129. Procedure on consideration of amendments	68—69
130. Disposal of amendments	69
131. Disagreement between Houses	69
132. Rejection of a Bill	69—70

III.—AUTHENTICATION AND RECON- SIDERATION OF BILLS

133. Authentication of a Bill	70
134. Reconsideration by the Council of a Bill passed	70

CHAPTER IX RESOLUTIONS

135. Notice of Resolution	71
136. Form of Resolution	71
137. Subject matter of Resolution	71
138. Conditions of admissibility of Resolution	71—72
139. Chairman to decide admissibility of Resolution	72
140. Moving of Resolution	72—73
141. Amendments	73
142. Time limit of speeches	73—74
143. Scope of discussion	74

(Part I.—Rules of Procedure.)

RULE	PAGES
144. Withdrawal of Resolution and amendment	74
145. Splitting of Resolution	74
146. Repetition of Resolution	74—75
147. Copy of Resolution passed to be sent to Minister	75

CHAPTER X

MOTIONS ON MATTERS OF
PUBLIC INTEREST AND
“MOTION FOR PAPERS”

148. Discussion on a matter of public interest by motion	76
149. Notice of a motion	76
150. Conditions of admissibility of a motion	76—77
151. Chairman to decide admissibility of a motion	77
152. Circulation of No-Day-Yet-Named Motions	77
153. Allotment of time and discussion of motions	77
154. Chairman to put question at the appointed time	78
155. Time limit for speeches	78

MOTION FOR PAPERS

156. Motion for Papers	78—79
----------------------------------	-------

(Part I.—Rules of Procedure.)

CHAPTER XI

PROCEDURE IN FINANCIAL
MATTERS

RULE	PAGES
157. The Budget	80
158. General discussion on the Budget	80
159. Presentation of the Budget in parts	80—81
160. Business that can be taken up on a day allotted for any kind of financial business	81
161. Provision as regards Financial Bills referred to in article 117 (1) of the Constitution	81—82
162. Money Bills	82—84

CHAPTER XII

QUESTIONS OF PRIVILEGE

163. Question of privilege	85
164. Notice of question of privilege . . .	85
165. Conditions of admissibility of ques- tion of privilege	85
166. Mode of raising a question of pri- vilege	85—86
167. Reference to Committee of Pri- vileges	86—87
168. Constitution of Committee of Pri- vileges	87
169. Chairman of Committee of Pri- vileges	87

(Part I.—Rules of Procedure.)

RULE	PAGES
170. Quorum of Committee	88
171. Examination of the question by Committee	88
172. Evidence before Committee of Privileges	88—89
173. Sittings of Committee of Privileges	89—90
174. Presentation of report	90
175. Consideration of report	90
176. Amendment	90
177. Regulation of procedure	90—91
178. Power of Chairman to refer questions of privilege to Committee .	91

CHAPTER XIII

RESIGNATION AND VACATION
OF SEATS IN COUNCIL AND
LEAVE OF ABSENCE FROM
MEETINGS OF COUNCIL

179. Resignation of seats in Council .	92
180. Permission to remain absent from meetings of Council . . .	93
181. Vacation of seats in Council . . .	94

CHAPTER XIV

AMENDMENT OF RULES

182. Rules Committee	95
183. Composition of Rules Committee .	95—96

(Part I.—Rules of Procedure.)

RULE	PAGES
184. Quorum	96

CHAPTER XV

COMMUNICATIONS BETWEEN
THE PRESIDENT AND THE
COUNCIL

185. Communications from the President to the Council	97
186. Communications from the Council to the President	97

CHAPTER XVI

GENERAL RULES OF PROCEDURE

Notices

187. Notices by Members	98
188. Circulation of notices and papers to Members	98
189. Lapse of pending notices on prorogation of a Session	99
190. Power of Chairman to amend a notice	99

Motions

191. Repetition of motion	99
192. Withdrawal of motion	99—100
193. Dilatory motion	100

(Part I.—Rules of Procedure.)

Amendments

RULE	PAGES
194. Scope of amendments	100—101
195. Selection of amendments	101

Terms of the communication for conveying recommendation or previous sanction of the President

196. Recommendation or previous sanction. How communicated	101—102
--	---------

Rules to be observed by Members

197. Rules to be observed by members while present in the Council	102—103
198. Member to speak when called by Chairman	103
199. Mode of addressing the Council	103
200. Rules to be observed while speaking	103—105
201. Questions to be asked through the Chairman	105
202. Irrelevance or repetition	105
203. Personal explanation	105

Orders of speeches and right of reply

204. Orders of speeches and right of reply	106
--	-----

Procedure when Chairman rises

205. Procedure when Chairman rises.	107
---	-----

(Part I.—Rules of Procedure.)

Closure

RULE	PAGES
206. Closure	107
207. Limitation of Debate	108

Question for decision

208. Procedure for obtaining decision of the Council	108
209. Proposals and putting of question .	108
210. No speech after voices collected .	108

Papers quoted to be laid on the Table

211. Papers quoted to be laid on the Table	109
212. Papers laid on the Table to be public	109

Statement by a Minister

213. Statement by a Minister	109
--	-----

Division

214. Division	110—112
-------------------------	---------

*Withdrawal and Suspension of
Members*

215. Withdrawal of a member	112
216. Suspension of a member	112—113

*(Part I.—Rules of Procedure.)**Suspension of sitting*

RULE	PAGES
217. Power of Chairman to adjourn Council or suspend sitting . . .	113

Points of Order

218. Points of Order and decisions thereon	113
--	-----

Maintenance of Order

219. Chairman to preserve order and enforce decisions	114
---	-----

Report of Proceedings

220. Report of proceedings of Council	114
221. Expunging of words from debates.	114
222. Indication in printed debates of expunged proceedings	114

Admission of Officers of the House

223. Officers of the House entitled to admission to a sitting of the Council	115
--	-----

Admission of strangers

224. Admission of strangers	115
225. Withdrawal of strangers	115

(Part I.—Rules of Procedure.)

Residuary Powers

RULE	PAGES
226. Residuary powers . . .	115

Suspension of Rules

227. Suspension of Rules . . .	115—116
• SCHEDULE—Form of Petition. .	117—118

RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE COUNCIL OF STATES¹

CHAPTER I

SHORT TITLE AND DEFINITIONS

1. These rules may be called "The Short title. Rules of Procedure and Conduct of Business in the Council of States".

2. In these rules, unless the context Definitions. otherwise requires,—

"Chairman" or "Chairman of the Council" means the Chairman of the Council of States;

"The Constitution" means the Constitution of India;

"Council" means the Council of States;

"Finance Minister" includes any Minister;

"Gazette" means the Gazette of India;

¹These Rules were published under Council of States Notification No. 11-CS/52, dated the 16th May 1952, *vide Gazette of India Extraordinary*, 1952, Part I—Sec. 1, pp. 1347—1391.

(Part I.—Rules of Procedure.)

"House" means the House of the People,

"Houses" means the Council of States and the House of the People;

"Member" means a member of the Council of States;

"Member in charge of the Bill" means in the case of a Government Bill any Minister and in any other case the member who has introduced the Bill;

"Minister" means a member of the Council of Ministers, a Minister of State, a Deputy Minister, or a Parliamentary Secretary;

"Private Member" means a member other than a Minister;

"Secretary" means the Secretary to the Council and includes any person for the time being performing the duties of the Secretary.

Words and expressions used in the Constitution and also in these rules shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution.

(Part I.—Rules of Procedure.)

CHAPTER II

SUMMONS TO MEMBERS, SEATING AND ROLL OF MEMBERS

3. The Secretary shall issue a summons to each member specifying the date and place for a session of the Council.

Summons to Members.

4. The members shall sit in such order as the Chairman may determine.

Seating of Members.

5. There shall be a Roll of Members of the Council which shall be signed by every member, before taking his seat, in the presence of the Secretary.

Roll of Members.

(Part I.—Rules of Procedure.)

CHAPTER III

ELECTION OF DEPUTY CHAIRMAN
AND PANEL OF VICE-CHAIRMEN

Election of
Deputy
Chairman
by the
Council.

6. (1) The election of a Deputy Chairman shall be held on such date as the Chairman may fix and the Secretary shall send to every member notice of this date.

(2) At any time before noon on the day preceding the date so fixed, any member may give notice in writing addressed to the Secretary of a motion that another member be chosen as the Deputy Chairman of the Council, and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Deputy Chairman if elected:

Provided that a member shall not
1 * * * propose or second more
than one motion.

¹The words "propose his own name, or second a motion proposing his own name, or" were omitted by Council of States Notification No. CS/3/52-L., dated the 12th September 1952, *vide Gazette of India*, 1952, Part I—Sec. I, p. 436.

(Part I.—Rules of Procedure.)

(3) A member in whose name a motion stands in the list of business may when called move the motion or withdraw the motion, in which case he shall confine himself to a mere statement to that effect.

(4) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved and decided if necessary by division. If any motion is carried, the person presiding shall, without putting later motions, declare that the member proposed in the motion which has been carried, has been chosen as the Deputy Chairman of the Council.

7. (1) At the commencement of the Council or from time to time as the case may be, the Chairman shall nominate from amongst the members of the Council a panel of not more than four Vice-Chairmen, any one of whom may preside over the Council in the absence of the Chairman and the Deputy Chairman when so requested by the Chairman, or in his absence, by the Deputy Chairman.

Panel of
Vice-
Chairmen.

(2) A Vice-Chairman nominated under sub-rule (1) shall hold office until a new panel of Vice-Chairmen is nominated.

(Part I.—Rules of Procedure.)

Powers of
the Deputy
Chairman
or other
Member
presiding
over the
sitting of
the
Council.

8. The Deputy Chairman or other member competent to preside over a sitting of the Council under the Constitution or these Rules shall ¹[when so presiding have the same power as the Chairman when presiding over the Council] and all references to the Chairman in these Rules shall in these circumstances be deemed to be references to any such person so presiding.

¹Substituted for the words "when so presiding over have the same power as the Chairman when so presiding" by Council of States Notification No. CS/3/52-L. dated the 12th September 1952, *vide Gazette of India*, 1952, Part I—Sec. 1, p. 436.

(Part I.—Rules of Procedure.)

CHAPTER IV,

SITTINGS OF THE COUNCIL

9. A sitting of the Council is duly constituted when it is presided over by the Chairman or other member competent to preside over a sitting of the Council under the Constitution or these Rules.

When is
sitting of
the Council
duly con-
stituted.

10. Sittings of the Council shall commence at such hour as the Chairman may direct.

Commence-
ment of
sitting.

11. The Council shall sit on such days as the Chairman, having regard to the state of business of the Council, may from time to time direct.

Sittings of
the Council.

12. Sittings of the Council shall conclude at such hour as the Chairman may direct.

Conclusion
of sitting.

(Part I.—Rules of Procedure.)

CHAPTER V

PRESIDENT'S ADDRESS AND
MESSAGES TO THE COUNCIL

Allotment
of time for
discussion
of Presi-
dent's
Special
Address.

13. The Chairman, in consultation with the Leader of the Council, shall allot time for the discussion of the matters referred to in the President's Address to the Houses under article 87(1) of the Constitution.

Scope of
discussion.

14. On such day or days or part of any day, the Council shall be at liberty to discuss the matters referred to in such Address on a motion of thanks moved by a member and seconded by another member.

Amend-
ments.

15. Amendments may be moved to such motion of thanks in such form as may be considered appropriate by the Chairman.

Other busi-
ness that
may be
taken up.

16. (1) Notwithstanding that a day has been allotted for discussion on the President's Address,—

(a) a motion or motions for leave to introduce a Bill or Bills may

(Part I.—Rules of Procedure.)

be made and a Bill or Bills may be introduced on such day, and

- (b) other business of a formal character may be transacted on such day before the Council commences or continues the discussion on the Address.

(2) The discussion on the Address may be postponed in favour of a Government Bill or other Government business on a motion being made that the discussion on the Address be adjourned to a subsequent day to be appointed by the Chairman. The Chairman shall forthwith put the question, no amendment or debate being allowed.

17. The Prime Minister or any other Minister, whether he has previously taken part in the discussion or not, shall on behalf of the Government have a general right of explaining the position of the Government at the end of the discussion and the Chairman may enquire how much time will be required for the speech so that he may fix the hour by which the discussion shall conclude.

Government's
right of
reply.

18. The Chairman may, if he thinks fit, prescribe, after taking the sense of the Council, a time limit for speeches.

Time limit
for
speeches.

(Part I.—Rules of Procedure.)

President's
Address
under
article
86(1) of
the Con-
stitution.

19. The Chairman may allot time for the discussion of the matters referred to in the President's Address under article 86(1) of the Constitution.

Messages
by Presi-
dent.

20. Where a message from the President for the Council under article 86 (2) of the Constitution is received by the Chairman, he shall read the message to the Council and give necessary directions in regard to the procedure that shall be followed for the consideration of matters referred to in the message. In giving these directions, the Chairman shall be empowered to suspend or vary the rules to such extent as it may be necessary to do so.

Prorogation
of the
Council.

21. When the President prorogues the Council or Houses, he may address the Council or Houses as the case may be.

(Part I.—Rules of Procedure.)

CHAPTER VI

ARRANGEMENT OF BUSINESS

22. On days allotted for the trans-
action of Government business that
business shall have precedence and the
Secretary shall arrange that business in
such order as the Chairman after con-
sultation with the Leader of the Coun-
cil may determine :

Arrange-
ment of
Govern-
ment
Business.

Provided that such order of business
shall not be varied on the day that
business is set down for disposal un-
less the Chairman is satisfied that there
is sufficient ground for such variation.

23. The Chairman, after considering
the state of business of the Council,
may allot so many days as may be
possible for private members' business,
and may allot different days for the
disposal of different classes of such
business, and, on days so allotted for
any particular class of business, busi-
ness of that class shall have precedence.

Allotment
of time for
Private
Members'
business.

24. (1) The relative precedence of
notices of Bills given by private mem-
bers shall be determined by ballot, to

Precedence
of Private
Members'
Bills.

(Part I.—Rules of Procedure.)

be held in accordance with the orders made by the Chairman, on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the Chairman may direct.

(2) The relative precedence of private members' Bills on a day allotted for the disposal of such Bills shall be in the following order, *viz.*—

- (a) Bills returned by the President with a message under article 111 of the Constitution;
- (b) Bills which have been passed by the Council and returned by the House with amendments;
- (c) Bills which have been passed by the House and transmitted to the Council;
- (d) Bills in respect of which a motion has been carried that the Bill be taken into consideration;
- (e) Bills in respect of which the Report of a Joint or Select Committee has been presented;

(Part I.—Rules of Procedure.)

- (f) Bills which have been circulated for the purpose of eliciting opinions;
- (g) Bills introduced and in respect of which no further motion has been made or carried;
- (h) Bills in respect of which the motion is that leave be granted to introduce the Bill;
- (i) other Bills.

(3) The relative precedence of Bills falling under the same clause of sub-rule (2) shall be determined by ballot to be held at such time and in such manner as the Chairman may direct:

Provided that Bills falling under clause (g) of sub-rule (2) shall be arranged in groups in the order of their date of introduction and relative precedence within each group shall be determined by ballot.

(4) The Chairman may by special order to be announced in the Council make such variations in the relative precedence of Bills set out in sub-rule (2) as he may consider necessary or convenient.

25. The relative precedence of notices of resolutions given by private mem-

Precedence
of Private
Members'
Resolutions

(Part I.—Rules of Procedure.)

bers shall be determined by ballot, to be held in accordance with the orders made by the Chairman, on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the Chairman may direct.

Business
outstanding
at the end
of day.

26. Private members' business set down for the day allotted for that class of business and not disposed of on that day shall not be set down for any subsequent day, unless it has gained priority at the ballot held with reference to that day:

Provided that notwithstanding anything contained in rules 24 and 25 any such business which is under discussion at the end of that day shall be set down for the next day allotted to business of that class, and shall have precedence over all other business set down for that day.

Resumption
of adjourned
debate on
Private
Member's
Bill or
Resolution.

27. (1) When on a motion being carried the debate on a private member's Bill or resolution is adjourned to the next day allotted for private members' business in the same or next session, it will not be set down for further discussion unless it has gained priority at the ballot.

(Part I.—Rules of Procedure.)

(2) When the debate on a private member's Bill or resolution is adjourned *sine die*, the member-in-charge of the Bill or the mover of the resolution, as the case may be, may, if he wishes to proceed with such Bill or resolution on a subsequent day allotted for private members' business, give notice for resumption of the adjourned debate and on receipt of such notice the relative precedence of such Bill or resolution shall be determined by ballot.

28. (1) A list of business for the day shall be prepared by the Secretary, and a copy thereof shall be made available for the use of every member. List of
Business.

(2) Save as otherwise provided in these rules, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the Chairman.

(3) Save as otherwise provided by these rules, no business requiring notice shall be set down for a day earlier than the day after that on which the period of the notice necessary for that class of business expires.

(4) Unless the Chairman otherwise directs, not more than five resolutions (in addition to any resolution which is outstanding under the proviso to rule

(Part I.—Rules of Procedure.)

26) shall be set down in the list of business for any day allotted for the disposal of private members' resolutions.

¹[BUSINESS ADVISORY COMMITTEE

Constitution
of the
Business
Advisory
Committee.

28A. (1) The Chairman may, from time to time, nominate a Committee called the Business Advisory Committee consisting of not more than ten members including the Chairman of the Council who shall be the Chairman of the Committee.

(2) The Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.

(3) If the Chairman of the Council for any reason is unable to preside over any meeting of the Committee, he shall nominate a Chairman for that meeting.

Filling of
casual
vacancies.

28B. Casual vacancies in the Committee shall be filled by the Chairman of the Council and any person nominated to fill such a vacancy shall hold office for the period for which the person in whose place he is nominated

¹Inserted by Council of States Notification No. CS/3/52-L., dated the 4th August 1952, *vide Gazette of India Extraordinary*, 1952, Part I—Sec. 1, p. 1849.

(Part I.—Rules of Procedure.)

would under the provisions of rule 28A have held office.

28C. The quorum of the Committee Quorum. shall be five.

28D. (1) It shall be the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills as the Chairman of the Council in consultation with the Leader of the Council may direct for being referred to the Committee. Functions of the Committee.

(2) The Committee shall have the power to indicate in the proposed timetable the different hours at which the various stages of the Bill shall be completed.

(3) The Committee shall have such other functions as may be assigned to it by the Chairman of the Council from time to time.

28E. The time-table in regard to the Bill or group of Bills as settled by the Committee shall be reported by the Chairman of the Council to the Council and notified in the Council of States Bulletin. Presentation and circulation of the report of the Committee.

28F. As soon as may be after the report has been made to the Council, Allocation of Time Order.

(Part I.—Rules of Procedure.)

a motion may be moved by a member of the Committee designated by the Chairman of the Council "that this Council agrees with the allocation of time proposed by the Committee in regard to such and such Bill or Bills," and if such a motion is accepted by the Council, it shall take effect as if it were an Order of the Council:

Provided that an amendment may be moved that the report be referred back to the Committee either without limitation or with reference to any particular matter:

Provided further that not more than half-an-hour shall be allotted for the discussion of the motion and no member shall speak for more than five minutes on such a motion.

Disposal of
outstanding
matters at
the appointed
hour.

28G. At the appointed hour in accordance with the Allocation of Time Order, for the completion of a particular stage of a Bill, the Chairman of the Council shall forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill.

Variation
in the
Allocation
of Time
Order.

28H. No variation in the Allocation of Time Order shall be made except on the request of the Leader of the

(Part I.—Rules of Procedure.)

Council who shall notify orally to the Council that there was general agreement for such variation, which shall be enforced by the Chairman of the Council after taking the sense of the Council.]

(Part I.—Rules of Procedure.)

CHAPTER VII

QUESTIONS

Time for
questions.

29. ¹[Unless the Chairman otherwise directs, the first hour of the sitting on every Monday, Tuesday, Wednesday and Thursday shall be available for the asking and answering of questions:

Provided that if in any week the Council does not sit on any of those days, but sits on Friday, the first hour of the sitting on that Friday shall be also available for the asking and answering of questions.]

Notice of
questions.

30. Unless the Chairman otherwise directs, not less than ten clear days' notice of a question shall be given.

Form of
notice of
questions.

31. Notice of a question shall be given in writing to the Secretary and shall specify—

- (a) the official designation of the Minister to whom it is addressed; and

¹Substituted for original rule by Council of States Notification No. CS/3/52-L, dated the 11th July 1952, *vide Gazette of India Extraordinary*, 1952, Part I—Sec. 1, p. 1761.

(Part I.—Rules of Procedure.)

- (b) the date on which the question is proposed to be placed on the list of questions for answer.

32. Unless the Chairman otherwise directs, no question shall be placed on the list of questions for answer until five days have expired from the time when notice of such question has been given by the Secretary to the Minister to whom it is addressed.

Notice of admission of questions to Ministers.

33. A member who desires an oral answer to his question shall distinguish it by an asterisk and if he does not distinguish it by an asterisk the question shall be printed in the list of questions for written answer.

Questions for oral answers to be distinguished by asterisks.

34. ¹[(1) Not more than three questions distinguished by asterisks by the same member shall be placed on the list of questions for oral answer on any one day. Questions in excess of three shall be placed in the list of questions for written answers.

Member entitled to oral answers to three questions on a day.

(2) The order in which questions for oral answer are to be placed shall be indicated by the member giving notice and, if no such order is indicated, the

¹Substituted for original rule by Council of States Notification No. CS/3/52-L, dated the 11th July 1952, vide Gazette of India Extraordinary, 1952, Part I—Sec. 1, p. 1761.

(Part I.—Rules of Procedure.)

questions shall be placed in the list of questions for oral answer in the order in which notices are received in point of time.]

Allotment
of days for
oral answers
to questions.

¹[34A. The time available for answering questions shall be allotted on different days in rotation for the answering of questions relating to such Ministry or Ministries as the Chairman may, from time to time, provide, and on each such day, unless the Chairman with the consent of the Minister concerned otherwise directs, only questions relating to the Ministry or Ministries for which time on that day has been allotted shall be placed on the list of questions for oral answer.]

Written
answers to
questions
not replied
orally.

35. If any question placed on the list of questions for oral answer on any day is not called for answer within the time available for answering questions on that day, the Minister to whom the question is addressed shall forthwith lay upon the Table of the Council a written reply to the question, and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof.

¹Inserted by Council of States Notification No. CS/3/52-L., dated the 11th July 1952, *vide Gazette of India Extraordinary*, 1952, Part I—Sec. 1, p. 1761.

(Part I.—Rules of Procedure.)

36. A question may be addressed by a member to a private member provided the subject matter of the question relates to some Bill, resolution or other matter connected with the business of the Council for which that member is responsible and the procedure in regard to such questions shall, as far as may be, be the same as that followed in the case of questions addressed to a Minister with such variations as the Chairman may consider necessary or convenient.

Questions
to Private
Members.

37. (1) Subject to the provisions of sub-rule (2) of this rule, a question may be asked for the purpose of obtaining information on a matter of public importance within the special cognizance of the Minister to whom it is addressed.

Conditions
of admissi-
bility of
questions.

(2) The right to ask a question is governed by the following conditions:—

- (i) It shall not bring in any name or statement not strictly necessary to make the question intelligible;
- (ii) if it contains a statement the member shall make himself responsible for the accuracy of the statement;

(Part I.—Rules of Procedure.)

- (iii) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;
- (iv) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;
- (v) it shall not ask as to the character or conduct of any person except in his official or public capacity;
- (vi) it shall not ordinarily exceed 150 words;
- (vii) it shall not relate to a matter which is not primarily the concern of the Government of India;
- (viii) it shall not ask about proceedings in a committee which have not been placed before the Council by a report from the committee;
- (ix) it shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;

(Part I.—Rules of Procedure.)

- (x) it shall not make or imply a charge of a personal character;
- (xi) it shall not raise questions of policy too large to be dealt within the limits of an answer to a question;
- (xii) it shall not repeat in substance questions already answered or to which an answer has been refused;
- (xiii) it shall not ask for information on trivial matters;
- (xiv) it shall not ordinarily seek information on matters of past history;
- (xv) it shall not require information set forth in accessible documents or in ordinary works of reference;
- (xvi) it shall not raise matters under the control of bodies or persons not primarily responsible to the Government of India;

1* * * *

¹Clause (xvii) omitted by Council of States Notification No. CS/3/52-L., dated the 11th July 1952 *vide Gazette of India Extraordinary, 1952, Part I—Sec. 1, p. 1761.*

(Part I.—Rules of Procedure.)

(xviii) it shall not ask for information on a matter which is under adjudication by a Court of Law having jurisdiction in any part of India;

(xix) it shall not relate to a matter with which a Minister is not officially connected;

(xx) it shall not refer discourteously to a friendly foreign country; and

(xxi) it shall not seek information about matters which are in their nature secret.

Questions on matters of correspondence between the Government of India and the Government of a State.

38. In matters which are or have been the subject of correspondence between the Government of India and the Government of a State, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of fact.

Chairman to decide admissibility of questions.

39. ¹[(1)] The Chairman shall decide whether a question or a part thereof is or is not admissible under these rules

¹Original rule 39 renumbered, as sub-rule (1) and sub-rule (2) added by Council of States Notification No. CS/3/52-L., dated the 11th July 1952, *vide* Gazette of India Extraordinary, 1952, Part I—Sec. 1, p. 1762.

(Part I.—Rules of Procedure.)

and may disallow any question or a part thereof when in his opinion it is an abuse of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the Council or is in contravention of these rules.

¹[(2) Subject to the provisions of rule 34A, the Chairman may direct that a question be placed on the list of questions for answer on a date later than that specified by a member in his notice, if he is of the opinion that a longer period is necessary to decide whether the question is or is not admissible.]

40. If in the opinion of the Chairman any question put down for oral answer is of such a nature that a written reply would be more appropriate, the Chairman may direct that such question be placed in the list of questions for written answer:

Chairman to decide if a question is to be treated as starred or unstarred.

Provided that the Chairman may, if he thinks fit, call upon the member who has given notice of a question for oral answer to state in brief his

¹Original rule 39 renumbered as sub-rule (1) and sub-rule (2) added by Council of States Notification No. CS/3/52-L., dated the 11th July 1952, *vide Gazette of India Extraordinary*, 1952, Part 1—Sec. 1, p. 1762.

(Part I.—Rules of Procedure.)

reasons for desiring an oral answer and, after considering the same, may direct that the question be included in the list of questions for written answer.

List of questions.

41. Questions, which have not been disallowed, shall be entered in the list of questions for the day for oral or written answer, as the case may be, in accordance with the orders of the Chairman.

Order in which questions shall be called.

42. Questions for oral answers shall be called, if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting.

Withdrawal or postponement of questions.

43. A member may, by notice given at any time before the meeting for which his question has been placed on the list, withdraw his question, or postpone it to a later day to be specified in the notice, and on such later day the question shall '[subject to the provisions of rule 34A] be placed on the list after all questions which have not been so postponed:

¹Inserted by Council of States Notification No. CS/3/52-L., dated the 11th July 1952, *vide Gazette of India Extraordinary*, 1952, Part I—Sec. 1, p. 1762.

(Part I.—Rules of Procedure.)

Provided that a postponed question shall not be placed on the list until two clear days have expired from the time when the notice of postponement has been received by the Secretary.

44. (1) When the time for asking questions arrives, the Chairman shall call successively each member in whose name a question appears in the list of questions. Mode of asking questions.

(2) The member so called shall rise in his place and unless he states that it is not his intention to ask the question standing in his name, he shall ask the question by reference to its number in the list of questions.

(3) If on a question being called it is not put or the member in whose name it stands is absent, the Chairman, at the request of any member, may direct that the answer to it be given.

45. When all the questions for which an oral answer is desired have been called, the Chairman may, if time permits, call again any question which has not been asked by reason of the absence of the member in whose name it stands, and may also permit a member to ask a question standing in the Questions of absent members.

(Part I.—Rules of Procedure.)

name of another member, if so authorised by him.

Supplementary questions.

46. (1) No discussion shall be permitted during the time for questions under rule 29 in respect of any question or of any answer given to a question.

(2) Any member when called by the Chairman may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that the Chairman shall disallow any supplementary question, if, in his opinion, it infringes the rules regarding questions.

Short notice questions.

47. (1) A question relating to a matter of public importance may be asked with shorter notice than ten clear days and if the Chairman is of opinion that the question is of an urgent character he may direct that an enquiry may be made from the Minister concerned if he is in a position to reply and, if so, on what date.

(2) If the Minister concerned agrees to reply, such question shall be answered on a day to be indicated by him and at the time to be determined by the Chairman.

(Part I.—Rules of Procedure.)

(3) Where a member desires an oral answer to a question at shorter notice, he shall briefly state the reasons for asking the question with short notice. Where no reasons have been assigned in the notice of the question, the question shall be returned to the member.

(4) The member who has given notice of the question shall be in his seat to read the question when called by the Chairman and the Minister concerned shall give a reply immediately.

(5) In other respects, the procedure for short notice questions shall be the same as for ordinary questions for oral answer, with such modifications as the Chairman may consider necessary or convenient.

48. Answers to questions which Ministers propose to give in the Council shall not be released for publication until the answers have actually been given on the floor of the Council or laid on the Table.

No publicity of answers to questions in advance.

¹[CHAPTER VIIA

HALF-AN-HOUR DISCUSSION

Discussion
on a matter
of public
importance
arising out
of answers
to ques-
tions.

48A. (1) The Chairman shall allot half-an-hour from 5 P.M. to 5-30 P.M. on two days in a week, namely, Wednesday and Friday, for raising discussion on a matter of sufficient public importance which has been the subject of a question in the Council, irrespective of the fact whether the question was answered orally or the answer was laid on the Table of the Council:

Provided that if the other business set down for the day is concluded before 5 P.M. the period of half-an-hour shall commence from the time such other business is concluded:

Provided further that the Chairman may allot any day instead of Wednesday or Friday or vary the time of commencement of such discussion if such a course is, in his opinion, necessary or convenient.

¹Inserted by Council of States Notification No. CS/3/52-L., dated the 11th July 1952, *vide* Gazette of India Extraordinary, 1952, Part I—Sec. 1, p. 1762.

23

(Part I.—Rules of Procedure.)

(2) A member wishing to raise a matter shall give notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised, and shall shortly specify the point or points that he wishes to raise:

Provided that the notice shall be accompanied by an explanatory note stating the reasons for raising discussion on the matter in question:

Provided further that the notice shall be supported by the signature of at least two other members:

Provided further that the Chairman may with the consent of the Minister concerned waive the requirement concerning the period of notice.

(3) The Chairman shall decide whether the matter is of sufficient public importance to be put down for discussion.

(4) If more than two notices have been received and admitted by the Chairman, the Secretary shall hold a ballot with a view to drawing two notices and the notices shall be put down in the order in which they were received in point of time:

INDIAN INSTITUTE OF PUBLIC ADMINISTRATION LIBRARY,
INDRAPRANATHA ESTATE, NEW DELHI-1

A-680

28.7.66

(Part I.—Rules of Procedure.)

Provided that if any matter put down for discussion on a particular day is not disposed of on that day it shall not be set down for any further day, unless the member so desires, in which case it shall be included in the ballot for the next available day.

(5) There shall be no formal motion before the Council nor voting. The member who has given notice may make a short statement and the Minister concerned shall reply shortly. Any member who has previously intimated to the Chairman may be permitted to put a question for the purpose of further elucidating any matter of fact.]

CHAPTER VIII
LEGISLATION

I.—BILLS ORIGINATING IN THE
COUNCIL

(a) *Introduction and publication of
Bills*

49. The Chairman on a request being made to him may order the publication of any Bill (together with the Statement of Objects and Reasons and the financial memorandum accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.

Publication
before in-
roduction.

50. (1) Any member, other than a Minister, desiring to move for leave to introduce a Bill, shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and an explanatory Statement of Objects and Reasons which shall not contain argument:

Notice of
motion for
leave to
introduce
Private
Members'
Bills.

(Part I.—Rules of Procedure.)

Provided that the Chairman may, if he thinks fit, revise the Statement of Objects and Reasons.

(2) If the Bill is a Bill which under the Constitution cannot be introduced without the previous sanction or recommendation of the President, the member shall annex to the notice such sanction or recommendation, conveyed through a Minister and the notice shall not be valid until this requirement is complied with.

(3) The period of notice of a motion for leave to introduce a Bill under this Rule shall be one month unless the Chairman allows the motion to be made at shorter notice.

Communi-
cation of
sanction or
recommen-
dation of
President
in respect
of Bills.

51. The orders of the President granting or withholding the sanction or recommendation to the introduction or consideration of a Bill shall be communicated to the Secretary by the Minister concerned in writing.

Financial
Memoran-
dum to Bills
and Money
clauses in
Bills.

52. (1) A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law

(Part I.—Rules of Procedure.)

(2) Clauses or provisions in Bills involving expenditure from public funds shall be printed in thick type or in italics:

Provided that where a clause in a Bill involving expenditure is not printed in thick type or in italics, the Chairman may permit the member in charge of the Bill to bring to the notice of the Council such clauses.

53. A Bill involving proposals for the delegation of legislative power shall be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

Explanatory Memorandum to Bills delegating legislative power.

54. If a motion for leave to introduce a Bill is opposed, the Chairman, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question:

Motion for leave to introduce Bill.

Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the Council, the Chairman may permit a full discussion thereon.

(Part I.—Rules of Procedure.)

Publication
after intro-
duction.

55. As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette.

*(b) Motions after Introduction of
Bills*

Motion
after intro-
duction of
Bills.

56. When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely:—

- (i) that it be taken into consideration; or
- (ii) that it be referred to a Select Committee of the Council; or
- (iii) that it be referred to a Joint Committee of the Houses with the concurrence of the House; or
- (iv) that it be circulated for the purpose of eliciting opinion thereon:

Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for two days before the day on which the motion is made, and such objection shall prevail, unless

(Part I.—Rules of Procedure.)

the Chairman allows the motion to be made.

57. (1) On the day on which any motion referred to in rule 56 is made, or on any subsequent day to which the discussion thereof is postponed, the discussion of principle of Bill. the principle of the Bill and its provisions may be discussed generally, but the details of the Bill shall not be discussed further than is necessary to explain its principles.

(2) At this stage no amendments to the Bill may be moved, but—

(a) If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses with the concurrence of the House, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion, or

(b) if the member in charge moves that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses with the concurrence

(Part I.—Rules of Procedure.)

of the House, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried, and the Bill is circulated in accordance with that direction and opinions are received thereon, the member in charge, if he wishes to proceed with the Bill thereafter, shall move that the Bill be referred to a Select Committee of the Council or a Joint Select Committee of the Houses unless the Chairman allows a motion to be made that the Bill be taken into consideration.

Persons
by whom
motions in
respect of
Bills may
be made.

58. No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill and no motion that a Bill be referred to a Select Committee of the Council or a Joint Select Committee of the Houses or be circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge.

*(Part I.—Rules of Procedure.)**(c) Select Committees on Bills*

59. (1) The members of a Select Committee on a Bill shall be appointed by the Council when a motion that the Bill be referred to a Select Committee is made.

Composition of Select Committee.

(2) No member shall be appointed to a Select Committee if he is not willing to serve on the Committee. The mover shall ascertain whether a member proposed to be named by him is willing to serve on the Committee.

60. (1) The Chairman of the Committee shall be appointed by the Chairman of the Council from amongst the members of the Committee:

Chairman of Select Committee.

Provided that where the Deputy Chairman is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman of the Council may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another mem-

(Part I.—Rules of Procedure.)

ber to act as Chairman of the Committee for that meeting.

Quorum of
Select Com-
mittee.

61. (1) In order to constitute a meeting of the Committee, the quorum shall be one-third of the total number of members of the Committee.

(2) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, there is no quorum the Chairman of the Committee shall either suspend the meeting until there is a quorum or adjourn the meeting to some future day.

(3) Where the Select Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for meeting of the Committee, the Chairman of the Committee shall report the fact to the Council.

Discharge
of members
absent from
meetings of
the Select
Committee.

62. If a member is absent from two or more consecutive meetings of the Select Committee, without the permission of the Chairman of the Committee, a motion may be moved in the Council for the discharge of such member from the Committee.

(Part I.—Rules of Procedure.)

63. Members who are not members of a Select Committee may be present during the deliberations of the Committee but shall not address the Committee nor sit in the body of the Committee: Members other than members of the Committee may be present at a meeting.

Provided that a Minister may with the permission of the Chairman of the Committee address the Committee of which he may not be a member.

64. In the case of equality of votes on any matter the Chairman of the Committee or other person presiding shall have a second or casting vote. Casting vote of Chairman of Select Committee.

65. A Select Committee may appoint a sub-committee to examine any special points connected with the Bill. The order of reference to such sub-committee shall clearly state the point or points for investigation. The report of the sub-committee shall be considered by the whole committee. Power to appoint sub-committees.

66. The meetings of a Select Committee shall be held on such days and at such hour as the Chairman of the Committee may fix: Meetings of Select Committee.

Provided that if the Chairman of the Committee is not readily available,

(Part I.—Rules of Procedure.)

the Secretary may, in consultation with the Minister whose Ministry is concerned with the Bill, fix the date and time of a meeting.

Sittings of
Select Com-
mittee.

67. A Select Committee may sit whilst the Council is sitting provided that on a division being called in the Council the Chairman of the Committee shall suspend the proceedings in the Committee for such time as will in his opinion enable members to vote in the division.

Notice of
amend-
ments and
procedure
generally in
Select
Committee.

68. (1) If notice of a proposed amendment has not been given before the day on which the Bill is taken up by the Select Committee, any member may object to the moving of the amendment and such objection shall prevail unless the Chairman of the Committee allows the amendment to be moved.

(2) In other respects, the procedure in a Select Committee shall, as far as practicable, be the same as is followed in the Council during the consideration stage of a Bill, with such adaptations, whether by way of modification, addition or omission, as the Chairman may consider necessary or convenient.

(Part I.—Rules of Procedure.)

69. When a Bill has been referred to a Select Committee, any notice given by a member of any amendment to a clause in the Bill shall stand referred to the Committee provided that where notice of amendment is received from a member who is not a member of the Select Committee such amendment shall not be taken up by the Committee unless moved by a member of the Committee.

Notice of amendments by members other than members of Select Committee.

70. (1) A Select Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties:

Power to take evidence or call for papers, records or documents.

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Chairman of the Council whose decision shall be final:

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) Subject to the provision of this rule, a witness may be summoned by

(Part I.—Rules of Procedure.)

an order signed by the Secretary and shall produce such documents as are required for the use of the Committee.

(3) A Select Committee may hear expert evidence and representatives of special interests affected by the measure before them.

(4) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

Procedure
for examin-
ing wit-
nesses.

71. The examination of witnesses before a Select Committee shall be conducted as follows:—

- (1) The Select Committee shall before a witness is called for examination decide the mode of procedure and the nature of questions that may be put to the witness.
- (2) The Chairman of the Select Committee may first put to the witness such question or questions as he may consider necessary with reference to the subject matter of the Bill or any connected subject thereto according to the mode of procedure mentioned in sub-rule (1) of this rule.

(Part I.—Rules of Procedure)

- (3) The Chairman of the Committee may call other members of the Select Committee one by one to put any other questions.
- (4) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee.
- (5) A verbatim record of proceedings of the Select Committee when a witness is summoned to give evidence shall be kept.

72. (1) The evidence tendered before the Select Committee under rule 71 may be made available to all members of the Select Committee.

Printing and publication of evidence tendered before a Select Committee.

(2) The Committee may direct that the whole or a part of the evidence or a summary thereof may be laid on the Table of the Council.

(3) The evidence given before a Select Committee shall not be published by any member of the Select Committee or by any other person until it has been laid on the Table of the Council:

(Part I.—Rules of Procedure.)

Provided that the Chairman of the Council may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table of the Council.

Power of
Chairman
to give
direction on
a point of
procedure
or other-
wise.

73. (1) The Chairman of the Council may from time to time issue such directions to the Chairman of the Committee as he may consider necessary for regulating its procedure and the organization of its work.

(2) If any doubt arises on any point of procedure or otherwise, the Chairman of the Committee may if he thinks fit, refer the point to the Chairman of the Council whose decision shall be final.

Power of
Select
Committee
to make
suggestions
on
procedure.

74. A Select Committee shall have power to pass resolutions on matters of procedure relating to Select Committees for the consideration of the Chairman of the Council, who may make such variations in procedure as he may consider necessary.

Record of
the deci-
sions of a
Select
Committee.

75. A record of the decisions of a Select Committee shall be maintained and circulated to members of the Committee under the direction of the Chairman of the Committee.

(Part I.—Rules of Procedure.)

76. (1) As soon as may be after a Bill has been referred to a Select Committee, the Select Committee shall meet from time to time in accordance with rule 66 to consider the Bill and shall make a report thereon within the time fixed by the Council:

Reports by
Select
Committee.

Provided that where the Council has not fixed any time for the presentation of the report, the report shall be presented before the expiry of three months from the date on which the Council adopted the motion for the reference of the Bill to the Select Committee:

Provided further that the Council may at any time, on a motion being made, direct that the time for the presentation of the report by the Select Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final.

(3) The Select Committee shall in their report state whether the publication of the Bill directed by these rules has taken place, and the date on which the publication has taken place.

(4) Where a Bill has been altered the Select Committee may, if they

(Part I.—Rules of Procedure.)

think fit, include in their report a recommendation to the member in charge of the Bill that his next motion should be a motion for circulation, or, where the Bill has already been circulated, for re-circulation.

¹[(5) The report of the Select Committee shall be signed by the Chairman of the Committee on behalf of the Committee:

Provided that in case the Chairman of the Committee is absent or is not readily available, the Committee shall choose another member to sign the report on behalf of the Committee.

(6) Any member of the Select Committee may record a minute of dissent on any matter or matters connected with the Bill or dealt with in the report.]

Presentation
of
report.

77. (1) The report of the Select Committee on a Bill together with the minutes of dissent, if any, shall be presented to the Council by the Chairman of the Committee or in his absence by any member of the Committee.

¹Substituted for the original sub-rule (5) by Council of States Notification No. CS-3/53-L, dated the 23rd January 1953, *vide Gazette of India*, 1953, Part I—Sec. 1, p. 36.

(Part I.—Rules of Procedure.)

(2) In presenting a report the Chairman of the Committee or, in his absence, the member presenting the report shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate at this stage.

78. The Secretary shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available for the use of every member of the Council. The report, and the Bill as reported by the Select Committee, shall be published in the Gazette.

(d) Procedure after presentation of report of a Select Committee

79. (1) After the presentation of the final report of a Select Committee on a Bill, the member in charge may move—

Motions that may be moved after the presentation of the report of a Select Committee.

- (a) that the Bill as reported by the Select Committee be taken into consideration:

Provided that any member of the Council may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for two

(Part I.—Rules of Procedure.)

days, and such objection shall prevail, unless the Chairman allows the report to be taken into consideration; or

(b) that the Bill as reported by the Select Committee be re-committed either—

(i) without limitation, or

(ii) with respect to particular clauses or amendments only; or

(iii) with instructions to the Select Committee to make some particular or an additional provision in the Bill; or

(c) that the Bill as reported by the Select Committee be circulated or re-circulated, as the case may be, for the purpose of obtaining opinion or further opinion thereon.

(2) If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed or be circulated or re-circulated for the purpose of obtaining opinion or further opinion thereon.

(Part I.—Rules of Procedure.)

80. The debate on a motion that Bill as reported by the Select Committee be taken into consideration shall be confined to consideration of the report of the Select Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill.

Scope of
debate on
report of
Select
Committee.

*(e) Amendments to clauses, etc., and
consideration of Bills*

81. (1) If notice of an amendment has not been given one day before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the Chairman allows the amendment to be moved:

Notice of
amend-
ments.

Provided that, in the case of a Government Bill, an amendment, of which notice has been received from the member in charge, shall not lapse by reason of the fact that the member in charge has ceased to be a Minister or a member and such amendment shall be printed in the name of the new member in charge of the Bill.

(2) The Secretary shall, if time permits, make available to members from time to time lists of amendments of which notices have been received.

(Part I.—Rules of Procedure.)

Conditions
of admissi-
bility of
amend-
ments.

82. The following conditions shall govern the admissibility of amendments:—

- (i) An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates.
- (ii) An amendment shall not be inconsistent with any previous decision of the Council on the same question.
- (iii) An amendment shall not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.
- (iv) If an amendment refers to, or is not intelligible without, a subsequent amendment or schedule, notice of the subsequent amendment or schedule shall be given before the first amendment is moved, so as to make the series of amendments intelligible as a whole:

Provided that in order to save time and repetition of arguments, a single discussion may be allowed to cover a series of interdependent amendments.

(Part I.—Rules of Procedure.)

- (v) The Chairman shall determine the place in which an amendment shall be moved.
- (vi) The Chairman may refuse to propose an amendment which is, in his opinion, frivolous or meaningless.
- (vii) An amendment may be moved to an amendment which has already been proposed by the Chairman.

83. If any member desires to move an amendment which under the Constitution cannot be moved without the previous sanction or recommendation of the President, he shall annex to the notice required by these rules such sanction or recommendation conveyed through a Minister and the notice shall not be valid until this requirement is complied with.

Sanction or recommendation of the President to be annexed to notice of amendment

84. The orders of the President granting or withholding the sanction or recommendation to an amendment to a Bill shall be communicated to the Secretary by the Minister concerned in writing.

Communication of sanction or recommendation of President in respect of amendments to Bills.

85. The Chairman shall have power to select the new clauses or amendments to be proposed, and may, if he thinks fit, call upon any member who has

Power of Chairman to select new clauses or amendments.

(Part I.—Rules of Procedure.)

given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it.

Arrange-
ment of
amend-
ments.

86. Amendments of which notice has been given, shall, as far as practicable, be arranged in the list of amendments, issued from time to time, in the order in which they may be called. In arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment moved by the member in charge of the Bill. Subject as aforesaid, amendments may be arranged in the order in which notice of them is received.

Order of
amend-
ments.

87. Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate; and in respect of any such clause a motion shall be deemed to have been made: "That this clause stands part of the Bill."

Mode of
moving
amend-
ments.

88. When a motion that a Bill be taken into consideration has been carried, any member when called upon by the Chairman may move an amendment to the Bill of which he has previously given notice.

(Part I.—Rules of Procedure.)

89. An amendment moved may, by ^{Withdrawal} leave of the Council, but not otherwise, ^{of amend-} be withdrawn, on the request of the ^{ments.} member moving it. If an amendment has been proposed to an amendment, the original amendment shall not be withdrawn until the amendment proposed to it has been disposed of.

90. Notwithstanding anything in ^{Submission} these rules, the Chairman may, when ^{of a Bill} a motion that a Bill be taken into con- ^{clause by} sideration has been carried, submit the ^{clause.} Bill, or any part of the Bill, to the Council clause by clause. The Chairman may call each clause separately, and, when the amendments relating to it have been dealt with shall put the question: "That this clause (or, as the case may be, that this clause as amended) stand part of the Bill."

91. The Chairman may, if he thinks ^{Postpone-} fit, postpone the consideration of a ^{ment of} clause. ^{clause.}

92. The consideration of the schedule ^{Schedule.} or schedules, if any, shall follow the consideration of clauses. Schedules shall be put from the Chair, and may be amended, in the same manner as clauses, and the consideration of new schedules shall follow the considera-

(Part I.—Rules of Procedure.)

tion of the original schedules. The question shall then be put: "That this schedule (or, as the case may be, that this schedule as amended) stand part of the Bill."

Clause one,
preamble
and title of
the Bill.

93. Clause one, the preamble if any, and the title of a Bill shall stand postponed until the other clauses and schedules (including new clauses and new schedules) have been disposed of and the Chairman shall then put the question: "That clause one, or the preamble or the title (or, as the case may be, that clause one, preamble or title as amended) do stand part of the Bill."

Power of
the Chair-
man to
correct
patent
errors and
make conse-
quential
changes in
a Bill as
passed.

94. Where a Bill is passed by the Council, the Chairman shall have power to correct patent errors and make such other changes in the Bill as are consequential on the amendments accepted by the Council.

(f) Passing of Bills

Passing of
a Bill.

95. (1) When a motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the member in charge may at once move that the Bill be passed.

(Part I.—Rules of Procedure.)

(2) If any amendment of the Bill is made, any member may object to any motion being made on the same day that the Bill be passed, and such objection shall prevail unless the Chairman allows the motion to be made.

(3) Where the objection prevails, a motion that the Bill be passed may be brought forward on any future day.

(4) To such a motion no amendment may be moved which is not either formal, verbal or consequential upon an amendment made after the Bill was taken into consideration.

96. The discussion on a motion that the Bill be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character. Scope of Debate.

97. When a Bill is passed by the Council, it shall be transmitted to the House for concurrence with a message to that effect. Bills passed by Council.

*(Part I.—Rules of Procedure.)**(g) Bills other than Money Bills
returned by House with amendment*

Bills return-
ed by the
House with
amendment.

98. If a Bill other than a Money Bill passed by the Council and transmitted to the House is returned to the Council with amendment, it shall on receipt be laid on the Table.

Notice of
motion for
considera-
tion of
amend-
ment.

99. After the amended Bill has been laid on the Table, any Minister in the case of a Government Bill, or in any other case any member, after giving two days' notice, or with the consent of the Chairman without notice, may move that the amendment be taken into consideration.

Procedure
on con-
sideration
of amend-
ment.

100. (1) If a motion that the amendment be taken into consideration is carried, the Chairman shall put the amendment to the Council in such manner as he thinks most convenient for its consideration.

(2) An amendment relevant to the subject matter of the amendment made by the House may be moved, but no further amendment shall be moved to the Bill unless it is consequential upon, or an alternative to, an amendment made by the House.

Disposal of
amend-
ment.

101. The Council if it agrees to the amendment made by the House shall send a message to the House to that effect, but if it disagrees with that

(Part I.—Rules of Procedure.)

amendment or proposes further amendment or an alternative amendment, the Council shall return the Bill as amended to the House with a message to that effect.

102. If the Bill is returned to the Council with a message that the House insists on an amendment or amendments to which the Council has disagreed, the Houses shall be deemed to have finally disagreed as to the amendment or amendments.

Disagreement between the Houses.

(h) Petitions on Bills

103. Petitions relating to a Bill which has been published under rule 49 or which has been introduced or in respect of which notice of a motion has been received under these rules, may be presented or submitted in accordance with these rules.

Petitions relating to a Bill.

104. (1) The general form of petition set out in the Schedule, with such variations as the circumstances of each case require, may be used and, if used, shall be sufficient.

General form of a petition.

(2) Every petition shall be couched in respectful and temperate language.

105. The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by the signatory, if literate by

Authentication of signatories to a petition.

(Part I.—Rules of Procedure.)

his signature and if illiterate by his thumb impression.

Counter-
signature.

106. Every petition shall, if presented by a member, be countersigned by him.

Petition to
whom to be
addressed
and how to
be concluded.

107. Every petition shall be addressed to the Council and shall conclude with a prayer reciting the definite object of the petitioners in regard to the Bill to which it relates.

Presenta-
tion of a
petition.

108. Any petition may be presented by a member, or be forwarded to the Secretary, in which latter case the fact shall be reported by him to the Council, and no debate shall be permitted on the making of such report.

Form of
presenta-
tion.

109. A member presenting a petition shall confine himself to a statement in the following form:—

“I present a petition signed by....
.....petitioners regarding
.....Bill”

and no debate shall be permitted on this statement.

Constitu-
tion of
Committee
on Peti-
tions.

110. (1) At the commencement of the Council, or from time to time as the case may be, the Chairman shall nominate a Committee on Petitions consisting of not more than five members.

(Part I.—Rules of Procedure.)

(2) A Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.

111. (1) The Chairman of the Committee shall be appointed by the Chairman of the Council from amongst the members of the Committee:

Chairman
of Com-
mittee on
Petitions.

Provided that if the Deputy Chairman is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman of the Council may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

112. Every petition after presentation by a member or report by the Secretary as the case may be, shall be referred to the Committee.

Reference
to Com-
mittee.

113. (1) The Committee shall examine every petition referred to it, and if the petition complies with these rules, the Committee may in its discretion direct that it be circulated as a paper

Examina-
tion and
circulation
of petitions.

(Part I.—Rules of Procedure.)

to the Bill to which it relates. Where circulation of the petition has not been directed, the Chairman may at any time, direct that the petition be circulated.

(2) Circulation of the petition shall be in extenso or of a summary thereof as the Committee, or the Chairman, as the case may be, may direct.

Presentation of Report of Committee on Petitions.

114. The Committee shall report to the Council stating the subject matter of the petition, the number of persons by whom it is signed and whether it is in conformity with these rules, and also whether circulation has or has not been directed.

(i) Adjournment of Debate on, and withdrawal and removal of, Bills

Adjournment of the debate on a Bill.

115. At any stage of a Bill which is under discussion in the Council a motion that the debate on the Bill be adjourned may be moved with the consent of the Chairman.

Withdrawal of a Bill.

116. The member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill, and if such leave is granted, no further motion shall be made with reference to the Bill:

Provided that where a Bill has been referred to a Select Committee notice of any motion for the withdrawal of

(Part I.—Rules of Procedure.)

the Bill shall automatically stand referred to the Committee and after the Committee has expressed its opinion in a Report to the Council the motion shall be set down in the list of business.

117. If a motion for leave to withdraw a Bill is opposed, the Chairman may, if he thinks fit, permit the member who moves and the member who opposes the motion to make brief explanatory statements and may thereafter without further debate, put the question.

Explanatory statement by member who moves or opposes withdrawal motion.

118. Where any of the following motions under these rules in regard to a Bill originating in the Council is rejected by the Council, no further motion shall be made with reference to the Bill and such Bill shall be removed from the Register of Bills pending in the Council:—

Removal of a Bill from the Register of Bills.

- (i) that leave be granted to introduce the Bill;
- (ii) that the Bill be referred to a Select Committee;
- (iii) that the Bill be taken into consideration;
- (iv) that the Bill as reported by Select Committee be taken into consideration; and

(Part I.—Rules of Procedure.)

- (v) that the Bill (or, as the case may be, that the Bill as amended) be passed.

II.—BILLS ORIGINATING IN THE HOUSE AND TRANSMITTED TO THE COUNCIL

Bills originating in and passed by the House and transmitted to the Council.

119. When a Bill originating in the House has been passed by the House and is transmitted to the Council, the Bill shall, as soon as may be, be laid on the Table.

Notice.

120. At any time after the Bill has been so laid on the Table, any Minister in the case of a Government Bill, or, in any other case, any member may give notice of his intention to move that the Bill be taken into consideration.

Motion for consideration.

121. On the day on which the motion for consideration is set down in the list of business which shall, unless the Chairman otherwise directs, be not less than two days from the receipt of the notice, the member giving notice may move that the Bill be taken into consideration.

Discussion.

122. On the day on which such motion is made or on any subsequent day to which the discussion is postponed, the principle of the Bill and its gen-

(Part I.—Rules of Procedure.)

eral provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

123. Any member may (if the Bill has not already been referred ^{1*} * ^{Reference to Select Committee.}

* to a Joint Committee of the Houses, but not otherwise) move as an amendment that the Bill be referred to a Select Committee and, if such motion is carried, the Bill shall be referred to a Select Committee, and the rules regarding Select Committees on Bills originating in the Council shall then apply.

124. If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration clause by clause and the provisions of the Rules of the Council regarding consideration of amendments to Bills and the subsequent procedure in regard to the passing of Bills shall apply. ^{Consideration and passing.}

125. If the Bill is passed without amendment, a message shall be sent to the House intimating that the Council have agreed to the Bill without any amendment. ^{Bill passed without amendment.}

¹The words "to a Select Committee of the House or" were omitted by Council of States Notification No. CS/3/52-L, dated the 12th September 1952, vide *Gazette of India*, 1952, Part I—Sec. 1, p. 436.

(Part I.—Rules of Procedure.)

Bill passed
with amend-
ments.

126. If the Bill is passed with amendments, the Bill shall be returned with a message asking the concurrence of the House to the amendments.

Procedure
consequent
on consi-
deration of
amend-
ments.

127. If the House disagrees with the amendments made by the Council or any of them or agrees to any of the amendments made by the Council with further amendments or proposes further amendments in place of amendments made by the Council, the Bill as further amended shall on receipt by the Council be laid on the Table.

Appoint-
ment of
time for
considera-
tion of
amend-
ments.

128. After the amended Bill has been laid on the Table, any Minister in the case of a Government Bill or, in any other case, any member after giving two days' notice, or with the consent of the Chairman without notice, may move that the amendments be taken into consideration.

Procedure
on consider-
ation of
amend-
ments.

129. (1) If a motion that the amendments be taken into consideration is carried, the Chairman shall put the amendments to the Council in such manner as he thinks most convenient for their consideration.

(2) Further amendments relevant to the subject matter of the amendments made by the House may be moved, but

(Part I.—Rules of Procedure.)

no further amendment shall be moved to the Bill, unless it is consequential upon, or an alternative to, an amendment made by the House.

130. The Council may either agree to the Bill as originally passed in the House, as the case may be, or may re-House, as the case may be, or may return the Bill with a message that it insists on an amendment or amendments to which the House has disagreed.

Disposal of amendments.

131. If a Bill is returned with a message intimating that the Council insists on amendments to which the House is unable to agree, the Houses shall be deemed to have finally disagreed as to the amendments.

Disagreement between Houses.

132. When any of the following motions moved in the Council with reference to a Bill originating in the House and transmitted to the Council is negatived by the Council, the Bill shall be deemed to have been rejected by the Council:

Rejection of a Bill.

- (i) that the Bill be referred to a Select Committee;
- (ii) that the Bill be taken into consideration:

(Part I.—Rules of Procedure.)

(iii) that the Bill as reported by Select Committee be taken into consideration; and

(iv) that the Bill (or, as the case may be, that the Bill as amended) be passed.

III.—AUTHENTICATION AND RECONSIDERATION OF BILLS

Authentica-
tion of a
Bill.

133. When a Bill is passed by the Houses and is in possession of the Council, a copy thereof shall be signed by the Chairman, and presented to the President:

Provided that in the absence of the Chairman from New Delhi the Secretary may authenticate the Bill for the Chairman in case of urgency.

Recon-
sideration
by the
Council of
a Bill
passed.

134. When a Bill which has been passed by the Houses is returned by the President for reconsideration, the point or points referred for reconsideration shall be put before the Council by the Chairman, and shall be discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the Chairman may consider most convenient for their consideration by the Council.

(Part I.—Rules of Procedure.)

CHAPTER IX

RESOLUTIONS

135. A member other than a Minister who wishes to move a resolution shall give fifteen clear days' notice of his intention and shall, together with the notice, submit the text of the resolution which he wishes to move: Notice of resolution.

Provided that the Chairman may allow it to be entered in the list of business with shorter notice than fifteen days.

136. A resolution may be in the form of a declaration of opinion by the Council. Form of resolution.

137. Subject to the provisions of these rules, any member may move a resolution relating to a matter of general public interest. Subject matter of resolution.

138. In order that a resolution may be admissible, it shall satisfy the following conditions, namely:— Conditions of admissibility of resolution.

- (i) it shall be clearly and precisely expressed;
- (ii) it shall raise substantially one definite issue;

(Part I.—Rules of Procedure.)

- (iii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iv) it shall not refer to the conduct or character of persons except in their official or public capacity; and
- (v) it shall not relate to any matter which is under adjudication by a Court of Law having jurisdiction in any part of India.

Chairman
to decide
admissi-
bility of
resolution.

139. The Chairman shall decide on the admissibility of a resolution, and may disallow a resolution or a part thereof when in his opinion it does not comply with these rules.

Moving of
resolution.

140. (1) A member in whose name a resolution stands on the list of business shall, except when he wishes to withdraw it, when called on, move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing in the list of business.

(2) A member may, with the permission of the Chairman, authorise any other member in whose name the same resolution stands lower in the list of

(Part I.—Rules of Procedure.)

business, to move it on his behalf, and the member so authorised may move accordingly.

(3) If a member other than a Minister, when called on is absent, any other member authorised by him in writing in this behalf may, with the permission of the Chairman, move the resolution standing in his name.

141. (1) After a resolution has been moved, any member may, subject to the rules relating to resolutions, move an amendment to the resolution. Amend-
ments.

(2) If notice of such amendment has not been given one day before the day on which the resolution is moved, any member may object to the moving of the amendment, and such objection shall prevail unless the Chairman allows the amendment to be moved.

(3) The Secretary shall, if time permits, make available to members from time to time lists of amendments of which notices have been given.

142. No speech on a resolution, except with the permission of the Chairman, shall exceed fifteen minutes in duration: Time limit
of speeches.

Provided that the mover of a resolution, when moving the same and the

(Part I.—Rules of Procedure.)

Minister concerned when speaking for the first time, may speak for thirty minutes or for such longer time as the Chairman may permit.

Scope of discussion.

143. The discussion of a resolution shall be strictly relevant to and within the scope of the resolution.

Withdrawal of resolution and amendment.

144. (1) A member in whose name a resolution stands on the list of business may, when called on, withdraw the resolution in which case he shall confine himself to a mere statement to that effect.

(2) A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the Council.

(3) If a resolution which has been admitted is not discussed during the session it shall be deemed to have been withdrawn.

Splitting of resolution.

145. When any resolution involving several points has been discussed, the Chairman may divide the resolution, and put each or any point separately to the vote. as he may think fit.

Repetition of resolution.

146. (1) When a resolution has been moved no resolution or amendment raising substantially the same question

(Part I.—Rules of Procedure.)

shall be moved within one year from the date of the moving of the earlier resolution.

(2) When a resolution has been withdrawn with the leave of the Council, no resolution raising substantially the same question shall be moved during the same session.

147. A copy of every resolution which has been passed by the Council shall be forwarded to the Minister concerned.

Copy of
resolution
passed to
be sent to
Minister.

(Part I.—Rules of Procedure.)

CHAPTER X

• MOTIONS ON MATTERS OF PUBLIC
INTEREST AND "MOTION FOR
PAPERS"

Discussion
on a matter
of public
interest by
motion.

148. Save in so far as is otherwise provided by the Constitution or by these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Chairman.

Notice of a
motion.

149. Notice of the motion shall be given in writing addressed to the Secretary.

Conditions
of admissi-
bility of a
motion.

150. In order that a motion may be admissible it shall satisfy the following conditions, namely that:—

- (i) it shall raise substantially one definite issue;
- (ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iii) it shall not refer to the conduct or character of persons except in their public capacity;
- (iv) it shall be restricted to a matter of recent occurrence;

(Part I.—Rules of Procedure.)

- (v) it shall not raise a question of privilege;
- (vi) it shall not revive discussion of a matter which has been discussed in the same session;
- (vii) it shall not anticipate discussion of a matter which is likely to be discussed in the same session;
- (viii) it shall not relate to any matter which is under adjudication by a Court of Law having jurisdiction in any part of India.

151. The Chairman shall decide on the admissibility of a motion and may disallow a motion or a part thereof.

Chairman to decide admissibility of motion.

152. If the Chairman admits notice of such a motion it shall be immediately notified in the Council Bulletin with the heading "No-Day-Yet-Named Motions".

Circulation of No-Day-Yet-Named motions.

153. The Chairman may after considering the state of business in the Council and in consultation with the Leader of the Council allot a day or days or part of a day for the discussion of any such motion.

Allotment of time and discussion of motions.

(Part I.—Rules of Procedure.)

Chairman to put question at the appointed time. 154. The Chairman shall at the appointed hour on the allotted day, or as the case may be, the last of the allotted days forthwith put every question necessary to determine the decision of the Council on the original question.

Time limit for speeches. 155. The Chairman may, if he thinks fit, prescribe a time limit for speeches

MOTION FOR PAPERS

Motion for Papers. 156. (i) Any member desirous of raising discussion on a matter of urgent public importance may give notice of a motion "for papers" and specify clearly and precisely the matter to be raised.

(ii) If the Chairman is satisfied after calling for such information from the member who has given notice and from the Minister as he may consider necessary that the matter is urgent and of sufficient importance to be raised in the Council at an early date he may admit the motion and fix the date on which such motion may be taken up and allot such time for its discussion not exceeding three hours as he may consider appropriate in the circumstances:

Provided that, if an early opportunity is otherwise available for the dis-

(Part I.—Rules of Procedure.)

cussion of the proposed matter, the Chairman may refuse to admit the motion.

(iii) If, at the end of such a discussion the motion is not by leave of the Council withdrawn or the Minister states that there are no papers to be laid on the Table or if the papers are available they cannot be laid on the Table on the ground that it will be detrimental in the public interest to do so, it will be open to any member to move an amendment, recording the opinion of the Council on the matter, in such form as may be considered appropriate by the Chairman.

(iv) An amendment, if moved, will be put to the Council without discussion unless the Chairman in his discretion thinks fit to allot further time for the elucidation of any matters arising out of the amendment.

(v) In other respects rules governing the admission and discussion of a motion "for papers" shall be the same as for motions on matters of public interest with such modifications as the Chairman may consider necessary or convenient.

*(Part I.—Rules of Procedure.)*CHAPTER XI
PROCEDURE IN FINANCIAL
MATTERS

The
Budget.

157. There shall be no discussion on the Annual Financial Statement or the Statement of the Estimated Receipts and Expenditure of the Government of India (hereinafter referred to as "the Budget") on the day on which it is presented to the Council

General
discussion
on the
Budget.

158. (1) On a day to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved nor shall the Budget be submitted to the vote of the Council.

(2) The Finance Minister shall have a general right of reply at the end of the discussion.

(3) The Chairman may, if he thinks fit, prescribe a time limit for speeches.

Presenta-
tion of the
Budget in
parts.

159. Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to the Council in two

(Part I.—Rules of Procedure.)

or more parts and when such presentation takes place, each part shall be dealt with in accordance with these rules as if it were the Budget.

160. Notwithstanding that a day has been allotted for financial business a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such day before the Council enters on the business for which the day has been allotted.

Business that can be taken up on a day allotted for any kind of financial business.

Explanation.—Financial business includes any business which the Chairman holds as coming within this category under the Constitution.

161. (1) If notice of motion for leave to introduce a Bill making provision for any of the matters specified in clause (1) of article 117 of the Constitution is received the Chairman may direct that it should not be included in the list of business.

Provision as regards Financial Bills referred to in article 117 (1) of the Constitution.

(2) On a Bill being put down for introduction a member may at that stage or at any subsequent stage take objection that the Bill is a financial Bill within the meaning of article 117(1) of the Constitution and should not be introduced in the Council.

(Part I.—Rules of Procedure.)

(3) If the Chairman holds that the Bill is a financial Bill within the meaning of article 117(1) of the Constitution, he shall terminate discussion on the Bill forthwith and direct that it be struck off from the list of business and be removed from the register of Bills pending in the Council.

(4) If the Chairman has any doubt in regard to the validity of the objection, he shall refer the matter to the Speaker and if there is no agreement between the Speaker and the Chairman, the Chairman shall report the matter to the Council and take the sense of the Council as to whether they wish to proceed further with the Bill.

**Money
Bills.**

162. (1) A money Bill passed by the House and transmitted to the Council shall, as soon as may be, laid on the Table.

(2) The Chairman in consultation with the Leader of the Council shall within two days of the Bill being so laid on the Table allot a day or days or part of a day for the completion of all or any of the stages involved ¹[in the consideration and return of the

¹Substituted for the words "in the consideration of, or passing of amendment, if any, to, the Bill by the Council" by Council of States Notification No. CS/3/53-L., dated the 23rd January 1953, *vide Gazette of India*, 1953, Part I—Sec. 1, p. 36.

(Part I.—Rules of Procedure.)

Bill by the Council including the consideration and passing of amendments, if any, to the Bill].

(3) When such an allotment has been made, the Chairman shall at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put all the questions necessary to dispose of the outstanding matters in connection with the stage or stages for which a day or days or part of a day has been allotted.

¹[(4) After the motion that the Bill be taken into consideration has been carried, the Bill shall be taken up clause by clause. At this stage amendments to be recommended to the House may be moved to the Bill and the provisions of the Rules of the Council regarding consideration of amendments to Bills shall apply.

(5) After the Bill has been considered clause by clause and the amendments, if any, have been disposed of, the Member in charge of the Bill shall move that the Bill be returned.

(6) When the motion that the Bill be returned has been carried, the Bill

¹Substituted for the original sub-rules (4) and (5) by Council of States Notification No. CS/3/52-L., dated the 12th September 1952, *vide Gazette of India*, 1952, Part I—Sec. 1, p. 436.

(Part I.—Rules of Procedure.)

shall be returned to the House, in the case where the Council does not make any recommendations, with a message that the Council has no recommendations to make to the House in regard to the Bill, and in the case where any amendments have been recommended by the Council, with a message intimating to the House the amendments so recommended.]

¹[(7)] On a Bill being introduced in the Council or at any subsequent stage, if an objection is taken that a Bill is a money Bill within the meaning of article 110 and should not be proceeded with in the Council, the Chairman shall if he holds the objection valid direct that further proceedings in connection with the Bill be terminated.

²[(8)] If the Chairman has any doubt in regard to the validity of the objection, he shall refer the matter to the Speaker whose decision on the question shall be final in accordance with article 110(3) of the Constitution.

¹Renumbered as sub-rule (7) by Council of States Notification No. CS/3/52-L., dated the 12th September 1952, *vide Gazette of India*, 1952, Part I—Sec. 1, p. 436.

²Renumbered as sub-rule (8), *ibid.*

CHAPTER XII

QUESTIONS OF PRIVILEGE

163. Subject to the provisions of Question of privilege. these rules, a member may, with the consent of the Chairman, raise a question involving a breach of privilege either of a member, or of the Council or of a committee thereof.

164. A member wishing to raise a Notice of question of privilege. question of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised.

165. The right to raise a question of Conditions of admissibility of question of privilege. privilege shall be governed by the following conditions:—

- (i) not more than one question shall be raised at the same sitting;
- (ii) the question shall be restricted to a specific matter of recent occurrence.

166. The Chairman, if he gives con- Mode of raising a question of privilege. sent under rule 163 and holds that the matter proposed to be discussed is in

(Part I.—Rules of Procedure.)

order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his place and, while asking for leave to raise the question of privilege make a short statement relevant thereto:

Provided that where the Chairman has refused his consent under rule 163 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of question of privilege and state that he refuses consent or holds that the notice of question of privilege is not in order:

Provided further that the Chairman may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time during the course of a sitting after the disposal of questions.

Reference
to Com-
mittee of
Privileges.

167. (1) If leave under rule 166 is granted, the question shall be referred to a Committee of Privileges on a motion made by the Leader of the Council or any other member to whom he may delegate his function under this sub-rule.

(2) If objection to leave being granted is taken, the Chairman shall request

(Part I.—Rules of Procedure.)

those members who are in favour of leave being granted to rise in their places and if not less than twenty-five members rise accordingly the Chairman shall intimate that leave is granted. If less than twenty-five members rise, the Chairman shall inform the member that he has not the leave of the Council.

168. (1) At the commencement of the Council or from time to time as the case may be, the Chairman shall nominate a Committee of Privileges consisting of not more than ten members.

Constitution of Committee of Privileges.

(2) The Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.

169. (1) The Chairman of the Committee shall be appointed by the Chairman from amongst the members of the Committee.

Chairman of Committee of Privileges.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

(Part I.—Rules of Procedure.)

Quorum of
Committee.

170. The quorum of the Committee shall be five.

Examina-
tion of the
question by
Committee.

171. (1) The Committee shall examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit.

(2) Subject to the provisions of sub-rule (1) of this rule, the report may also state the procedure to be followed by the Council in giving effect to the recommendations made by the Committee.

Evidence
before
Committee
of Privi-
leges.

172. (1) The Committee of Privileges shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties:

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Chairman, whose decision shall be final:

Provided further that Government may decline to produce a document on

(Part I.—Rules of Procedure.)

the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) Subject to the provisions of this rule, a witness may be summoned by an order signed by the Chairman of the Committee and shall produce such documents as are required for the use of the Committee.

(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

173. (1) As soon as may be after a question of privilege has been referred to the Committee of Privileges, the Committee shall meet from time to time and shall make a report within the time fixed by the Council.

*Sittings of
Committee
of Privi-
leges.*

Provided that where the Council has not fixed any time for the presentation of the report, the report shall be presented within one month of the date on which reference to the Committee was made:

Provided further that the Council may at any time, on a motion being made, direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion.

(Part I.—Rules of Procedure.)

(2) Reports may be either preliminary or final.

(3) The report will be signed by the Chairman on behalf of the Committee.

Presentation of report.

174. The report of the Committee of Privileges shall be presented to the Council by the Chairman of the Committee or in his absence by any member of the Committee.

Consideration of report.

175. As soon as may be, after the report has been presented, a motion in the name of the Chairman of the Committee or any member of the Committee will be put down that the report be taken into consideration.

Amendments.

176. Any member may give notice of amendment to the motion for consideration of the report referred to in rule 175 above in such form as may be considered appropriate by the Chairman:

Provided that an amendment may be moved that the question be re-committed to the Committee either without limitation or with reference to any particular matter.

Regulation of procedure.

177. The Chairman may issue such directions as he may consider necessary for regulating the procedure in con-

(Part I.—Rules of Procedure.)

nection with all matters connected with the consideration of the question of privilege either in the Committee or in the Council.

178. Notwithstanding anything contained in these rules, the Chairman may refer any question of privilege to the Committee of Privileges for examination, investigation or report.

Power of
Chairman
to refer
questions of
privilege to
Committee.

CHAPTER XIII

RESIGNATION AND VACATION OF
SEATS IN COUNCIL AND LEAVE
OF ABSENCE FROM MEETINGS
OF COUNCIL

Resignation
of seats in
Council.

179. (1) As soon as may be, the Chairman shall, after he has received an intimation in writing from a member under his hand resigning his seat in the Council, inform the Council that such and such a member has resigned his seat in the Council:

Provided that when the Council is not in session, the Chairman shall inform the Council immediately after the Council re-assembles, that such and such a member has resigned his seat in the Council during the inter-session period.

(2) The Secretary shall, as soon as may be, after the Chairman has received such intimation from a member resigning his seat in the Council, cause the information to be published in the *Gazette of India* and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

(Part I.—Rules of Procedure.)

180. (1) A member wishing to obtain permission of the Council for remaining absent from meetings thereof under clause (4) of article 101 of the Constitution shall make an application in writing to the Chairman, stating the period for which he may be permitted to be absent from the meetings of the Council.

Permission
to remain
absent from
meetings
of Council.

(2) After the receipt of an application under sub-rule (1) of this rule the Chairman shall, as soon as may be, read out the application to the Council and ask: "Is it the pleasure of the Council that permission be granted to such and such a member for remaining absent from all meetings of the Council for such and such a period?" If no one dissents, the Chairman shall say: "Permission to remain absent is granted." But if any dissentient voice is heard, the Chairman shall take the sense of the Council and thereupon declare the determination of the Council.

(3) No discussion shall take place on any question before the Council under this rule.

(4) The Secretary shall, as soon as may be, after a decision has been signified by the Council, communicate it to the member.

(Part I.—Rules of Procedure.)

Vacation of
seats in
Council.

181. (1) The seat of a member shall be declared vacant, under clause (4) of article 101, on a motion by the Leader of the Council or by such other member to whom he may delegate his functions in this behalf.

(2) If the motion referred to in sub-rule (1) of this rule is carried, the Secretary shall cause the information to be published in the *Gazette of India* and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

CHAPTER XIV

AMENDMENT OF RULES

182. Subject to the provisions of Rules Committee. these rules a Committee on Rules shall be constituted to consider matters of procedure and conduct of business in the Council and to recommend to the Chairman any amendments or additions to these rules that may be deemed necessary.

183. (1) The Committee on Rules shall be nominated by the Chairman of the Council and shall consist of fifteen members including the Chairman of the Committee. The Chairman of the Council shall be the *ex-officio* Chairman of the Committee. Composition of Rules Committee.

(2) A Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated. Casual vacancies in the Committee shall be filled by the Chairman as soon as possible after they occur.

(3) If the Chairman of the Council is for any reason unable to act as Chairman of the Committee he may appoint another Chairman of the Committee in his place.

(Part I.—Rules of Procedure.)

(4) If the Chairman of the Committee is absent from any meeting the Committee shall choose another member to act as Chairman of the Committee for that meeting.

Quorum. **184.** (1) In order to constitute a meeting of the Committee the quorum shall be five.

(2) The Chairman of the Committee shall not vote in the first instance but in the case of an equality of votes on any matter he shall have, and exercise, a casting vote.

(Part I.—Rules of Procedure.)

CHAPTER XV

COMMUNICATIONS BETWEEN THE
PRESIDENT AND THE COUNCIL

185. Communications from the President to the Council shall be made to the Chairman by written message signed by the President or, if the President is absent from the place of meeting of the Council his message shall be conveyed to the Chairman through a Minister.

Communications from the President to the Council.

186. Communications from the Council to the President shall be made—

Communications from the Council to the President.

(1) by formal address, after motion made and carried in the Council, and

(2) through the Chairman.

CHAPTER XVI

GENERAL RULES OF PROCEDURE

NOTICES

Notices by
Members.

187. (1) Every notice required by the rules shall be given in writing addressed to the Secretary, and signed by the member giving notice, and shall be left at the Council Notice Office which shall be open for this purpose between the hours to be notified from time to time on every day except Sunday or a public holiday.

(2) Notices left when the office is closed shall be treated as given on the next open day.

Circulation
of notices
and papers
to Mem-
bers.

188. (1) The Secretary shall make every effort to circulate to each member a copy of every notice or other paper which is by these rules required to be made available for the use of members.

(2) A notice or other paper shall be deemed to have been made available for the use of every member if a copy thereof is deposited in such manner and in such place as the Chairman may, from time to time, direct.

(Part I.—Rules of Procedure.)

189. On the prorogation of a session, all pending notices, other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notice must be given for the next session:

Lapse of pending notices on prorogation of a Session.

Provided that fresh notice shall be necessary of intention to move for leave to introduce any Bill in respect of which sanction or recommendation has been granted under the Constitution, if the sanction or recommendation as the case may be has ceased to be operative.

190. If in the opinion of the Chairman, any notice contains words, phrases or expressions which are argumentative, unparliamentary, ironical, irrelevant, verbose, or otherwise inappropriate, he may in his discretion amend such notice before it is circulated.

Power of Chairman to amend notice.

MOTIONS

191. A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session.

Repetition of motion.

192. (1) A member who has made a motion may withdraw the same by leave of the Council.

Withdrawal of motion.

(Part I.—Rules of Procedure.)

(2) The leave shall be signified not upon question but by the Chairman taking the pleasure of the Council. The Chairman shall ask: "Is it your pleasure that the motion be withdrawn?" If no one dissents, the Chairman shall say: "The motion is by leave withdrawn." But if any dissentient voice be heard or a member rises to continue the debate, the Chairman shall forthwith put the motion:

Provided that if an amendment has been proposed to a motion, the original motion shall not be withdrawn until the amendment has been disposed of.

Dilatory
motion.

193. If the Chairman is of opinion that a motion for the adjournment of a debate is an abuse of the rules of the Council, he may either forthwith put the question thereon from the Chair or decline to propose the question.

AMENDMENTS

Scope of
amend-
ments.

194. (1) An amendment shall be relevant to, and within the scope of, the motion to which it is proposed.

(2) An amendment shall not be moved which has merely the effect of a negative vote.

(Part I.—Rules of Procedure.)

(3) An amendment on a question shall not be inconsistent with a previous decision on the same question.

195. (1) The Chairman may refuse to put an amendment which is in his opinion frivolous. Selection of amendments.

(2) In respect of any motion, the Chairman shall have power to select the amendments to be proposed, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it.

TERMS OF THE COMMUNICATION FOR CONVEYING RECOMMENDATION OR PREVIOUS SANCTION OF THE PRESIDENT

196. Every recommendation or previous sanction by the President shall be communicated by a Minister in the following terms:— Recommendation or previous sanction. How communicated.

“The President having been informed of the subject matter of the proposed Bill, Motion, Resolution or amendment accords his previous sanction to the introduction of the Bill or the moving of the amendment or recommends the introduction

(Part I.—Rules of Procedure.)

of the Bill or the moving of the Motion, Resolution or amendment in the Council or recommends to the Council the consideration of the Bill."

and it shall be printed in the proceedings of the Council in such manner as the Chairman may direct.

RULES TO BE OBSERVED BY MEMBERS

Rules to be observed by members while present in the Council.

197. Whilst the Council is sitting, a member—

- (1) shall not read any book, newspaper or letter except in connection with the business of the Council;
- (2) shall not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;
- (3) shall bow to the Chair while entering or leaving the Council, and also when taking or leaving his seat;
- (4) shall not pass between the Chair and any member who is speaking;
- (5) shall not leave the Council when the Chairman is addressing the Council;

(Part I.—Rules of Procedure.)

- (6) shall always address the Chair;
- (7) shall keep to his usual seat while addressing the Council;
- (8) shall maintain silence when not speaking in the Council;
- (9) shall not obstruct proceedings, hiss or interrupt and avoid making running commentaries when speeches are being made in the Council.

198. When a member rises to speak, his name shall be called by the Chairman. If more members than one rise at the same time, the member whose name is so called shall be entitled to speak.

Member to
speak when
called by
Chairman.

199. A member desiring to make any observations on any matter before the Council shall speak from his place, shall rise when he speaks and shall address the Chairman:

Mode of
addressing
the Council.

Provided that a member disabled by sickness or infirmity may be permitted to speak sitting.

200. A member while speaking shall not—

Rules to be
observed
while speak-
ing.

- (i) refer to any matter of fact on which a judicial decision is pending;

(Part I.—Rules of Procedure.)

- (ii) make a personal charge against a member;
- (iii) use offensive expressions about the conduct or proceedings of the Houses or any State Legislature;
- (iv) reflect on any determination of the Council except on a motion for rescinding it;
- (v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms;

Explanation.—The words “persons in high authority” mean persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Chairman, should be discussed on a substantive motion drawn in terms to be approved by him;

- (vi) use the President’s name for the purpose of influencing the debate;

(Part I.—Rules of Procedure.)

(vii) utter treasonable, seditious or defamatory words;

(viii) use his right of speech for the purpose of obstructing the business of the Council.

201. When, for the purposes of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the Council, he shall ask the question through the Chairman.

Questions to be asked through the Chairman.

202. The Chairman, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

Irrelevance or repetition.

203. A member may, with the permission of the Chairman, make a personal explanation although there is no question before the Council, but in this case no debatable matter may be brought forward, and no debate shall arise.

Personal explanation.

*(Part I.—Rules of Procedure.)*ORDERS OF SPEECHES AND RIGHT OF
REPLY

Orders of
speeches
and right of
reply.

204. (1) After the member who moves has spoken other members may speak to the motion in such order as the Chairman may call upon them. If any members who is so called upon does not speak, he shall not be entitled, except by the permission of the Chairman, to speak to the motion at any later stage of the debate.

(2) Except in the exercise of a right of reply or as otherwise provided by these rules, no member shall speak more than once to any motion, except with the permission of the Chairman.

(3) A member who has moved a motion may speak again by way of reply, and if the motion is moved by a private member, the Minister concerned may, with the permission of the Chairman, speak (whether he has previously spoken in the debate or not) after the mover has replied:

Provided that nothing in this sub-rule shall be deemed to give any right of reply to the mover of an amendment to a Bill or a resolution, save with the permission of the Chairman.

(Part I.—Rules of Procedure.)

PROCEDURE WHEN CHAIRMAN RISES

205. (1) Whenever the Chairman rises he shall be heard in silence and any member who is then speaking or offering to speak shall immediately sit down.

Procedure
when
Chairman
rises.

(2) No member shall leave his seat while the Chairman is addressing the Council.

CLOSURE

206. (1) At any time after a motion has been made, any member may move, "That the question be now put", and, unless it appears to the Chairman that the motion is an abuse of these rules or an infringement of the right of reasonable debate, the Chairman shall then put the motion: "That the question be now put".

(2) Where the motion "That the question be now put" has been carried, the question or questions consequent thereon shall be put forthwith without further debate:

Provided that the Chairman may allow any member any right of reply which he may have under these rules.

(Part I.—Rules of Procedure.)

Limitation
of debate.

•207. (1) Whenever the debate on any motion in connection with a Bill or on any other motion becomes unduly protracted, the Chairman may, after taking the sense of the Council, fix the hour at which the debate shall conclude.

(2) The Chairman shall at such appointed hour, unless the debate be sooner concluded, proceed forthwith to put all such questions as may be necessary to determine the decision of the Council on the original question.

QUESTION FOR DECISION

Procedure
for obtain-
ing decision
of the
Council.

208. A matter requiring the decision of the Council shall be decided by means of a question put by the Chairman on a motion made by a member.

Proposal
and putting
of ques-
tion.

209. When a motion has been made, the Chairman shall propose the question for the consideration, and put it for the decision, of the Council. If a motion embodies two or more separate propositions, those propositions may be proposed by the Chairman as separate questions.

No speech
after voices
collected.

210. A member shall not speak on a question after the Chairman has collected the voices both of the Ayes and of the Noes on that question.

(Part I.—Rules of Procedure.)

PAPERS QUOTED TO BE LAID ON THE TABLE

211. If a Minister quotes in the Council a despatch or other State Paper which has not been presented to the Council, he shall lay the relevant paper on the Table:

Papers
quoted to
be laid on
the Table.

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest:

Provided further that where a Minister gives in his own words a summary or gist of such despatch or State Paper it shall not be necessary to lay the relevant papers on the Table.

212. All papers and documents laid on the Table of the Council shall be considered public.

Papers laid
on the
Table to
be public.

STATEMENT BY A MINISTER

213. A statement may be made by a Minister on a matter of public importance with the consent of the Chairman but no question shall be asked at the time the statement is made.

Statement
by a Minister.

(Part I.—Rules of Procedure.)

DIVISION

Division.

214. (1) On the conclusion of a debate, the Chairman shall put the question and invite those who are in favour of the motion to say "Aye" and those against the motion to say "No".

(2) The Chairman shall then say: "I think the Ayes (or the Noes, as the case may be) have it". If the opinion of the Chairman as to the decision of a question is not challenged, he shall say twice: "The Ayes (or the Noes, as the case may be) have it" and the question before the Council shall be determined accordingly.

(3) If the opinion of the Chairman as to the decision of a question is challenged, he may, if he thinks fit, ask the members who are for "Aye" and those for "No" respectively to rise in their places and, on a count being taken, he may declare the determination of the Council. In such a case, the names of the voters shall not be recorded.

(4) (a) If the opinion of the Chairman as to the decision of a question is challenged and he does not adopt the course provided for in sub-rule (3) above, he shall order a "Division" to be held.

(Part I.—Rules of Procedure.)

(b) After the lapse of two minutes, he shall put the question a second time and declare whether in his opinion the "Ayes" or the "Noes" have it.

(c) If the opinion so declared is again challenged, he shall direct the "Ayes" to go into the Right Lobby and the "Noes" into the Left Lobby. In the "Ayes" or "Noes" Lobby, as the case may be, each member shall call out his Division Number and the Division Clerk, while marking off his number on the Division List, shall simultaneously call out the name of the member.

(d) After voting in the Lobbies is completed, the Division Clerks shall hand over the Division Lists to the Secretary, who shall count the votes and present the totals of "Ayes" and "Noes" to the Chairman.

(e) The result of a division shall be announced by the Chairman and shall not be challenged.

(f) A member who is unable to go to the Division Lobby owing to sickness or infirmity may, with the permission of the Chairman, have his vote recorded either at his seat or in the Members' Lobby.

(Part I.—Rules of Procedure.)

(g) If a member finds that he has voted by mistake in the wrong Lobby, he may be allowed to correct his mistake provided he brings it to the notice of the Chairman before the result of the division is announced.

(h) When the Division Clerks have brought the Division Lists to the Secretary's table, a member who has not up to that time recorded his vote but who then wishes to have his vote recorded may do so with the permission of the Chairman.

WITHDRAWAL AND SUSPENSION OF MEMBERS

Withdrawal
of a mem-
ber.

215. The Chairman may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Council, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting.

Suspension
of a mem-
ber.

216. (1) The Chairman may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the Council by persistently and wilfully obstructing the business thereof.

(Part I.—Rules of Procedure.)

(2) If a member is so named by the Chairman, he shall forthwith put the question that the member (naming him) be suspended from the service of the Council during the remainder of the session:

Provided that the Council may, at any time, on a motion being made, resolve that such suspension be terminated.

(3) A member suspended under this rule shall forthwith quit the precincts of the Council.

SUSPENSION OF SITTING

217. In the case of grave disorder arising in the Council, the Chairman may, if he thinks it necessary to do so, adjourn the Council or suspend any sitting for a time to be named by him.

Power of
Chairman
to adjourn
Council or
suspend
sitting.

POINTS OF ORDER

218. (1) Any member may at any time submit a point of order for the decision of the Chairman, but, in doing so, shall confine himself to stating the point.

Points of
order and
decisions
thereon.

(2) The Chairman shall decide all points of order which may arise, and his decision shall be final.

(Part I.—Rules of Procedure.)

MAINTENANCE OF ORDER

Chairman
to preserve
order and
enforce
decisions.

219. The Chairman shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions.

REPORT OF PROCEEDINGS

Report of
proceedings
of Council.

220. The Secretary shall cause to be prepared a full report of the proceedings of the Council at each of its meetings, and shall, as soon as practicable, publish it in such form and manner as the Chairman may, from time to time, direct.

Expunging
of words
from
debates.

221. If the Chairman is of opinion that a word or words has or have been used in debate which is or are defamatory or indecent or unparliamentary or undignified, he may, in his discretion, order that such word or words be expunged from the proceedings of the Council.

Indication
in printed
debates of
expunged
proceed-
ings.

222. The portion of the proceedings of the Council so expunged shall be indicated by asterisks and an explanatory footnote shall be inserted in the proceedings as follows:

“Expunged as ordered by the
Chair.”

(Part I.—Rules of Procedure.)

ADMISSION OF OFFICERS OF THE HOUSE

223. Any officer of the Secretarial staff of the House shall be entitled to admission to the Council Chamber during any sitting of the Council.

Officers of the House entitled to admission to a sitting of the Council.

ADMISSION OF STRANGERS

224. The admission of strangers during the sittings of the Council to those portions of the Council which are not reserved for the exclusive use of members shall be regulated in accordance with orders made by the Chairman.

Admission of strangers.

225. The Chairman, whenever he thinks fit, may order the withdrawal of strangers from any part of the Council.

Withdrawal of strangers.

RESIDUARY POWERS

226. All matters not specifically provided in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Chairman may from time to time direct.

Residuary powers.

SUSPENSION OF RULES

227. Any member may, with the consent of the Chairman, move that any rule may be suspended in its

Suspension of Rules.

(Part I.—Rules of Procedure.)

application to a particular motion before the Council and if the motion is carried the rule in question shall be suspended for the time being.

(Part I.—Rules of Procedure.)

SCHEDULE

FORM OF PETITION

(See rule 104)

To

THE COUNCIL OF STATES.

Whereas a Bill entitled a Bill

(Here insert title of Bill)

is now under the consideration of the
Council of States the humble petition
of

(Here insert name and designation or description of petitioner or petitioners in concise form e.g., "A.B. and others" or "the inhabitants of....." or "the municipality of....." etc.)

sheweth

(Here insert concise statement of case)

and accordingly your petitioner (or
petitioners) pray that

(Part I.—Rules of Procedure.)

(Here insert "that the Bill be or be not proceeded with" or "that special provision be made in the Bill to meet the case of your petitioner" or any other appropriate prayer regarding the Bill.)

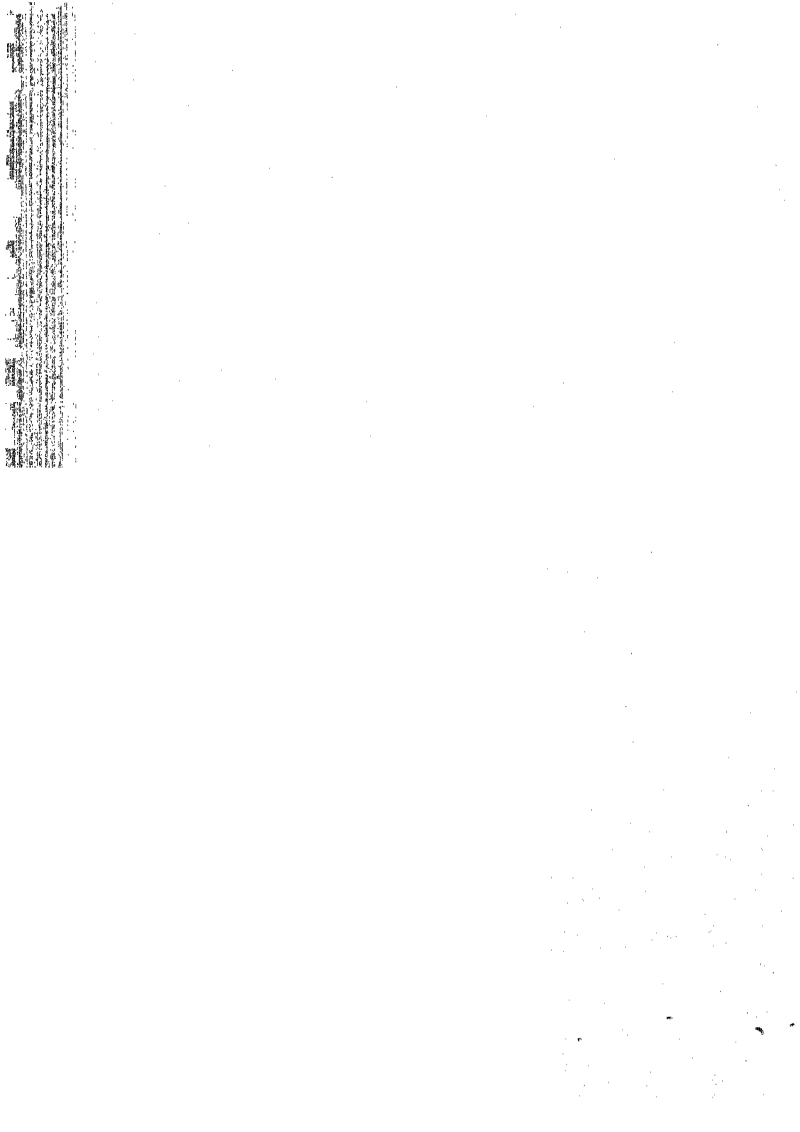
and your petitioner(s) as in duty bound will ever pray.

Name of petitioner	Address	Signature or thumb impression

Countersignature of
Member presenting.

PART II

Extracts from the Constitution



EXTRACTS FROM THE CONSTITUTION

THE UNION AND ITS TERRITORY

1. (1) India, that is Bharat, shall be a Union of States. Name and territory of the Union.

(2) The States and the territories thereof shall be the States and their territories specified in Parts A, B and C of the First Schedule.

(3) The territory of India shall comprise—

- (a) the territories of the States;
- (b) the territories specified in Part D of the First Schedule; and
- (c) such other territories as may be acquired.

2. Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit. Admission or establishment of new States.

3. Parliament may by law—

- (a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by Formation of new States and alteration of areas, boundaries or names of existing States.

(Part II.—Extracts from the
Constitution)

uniting any territory to a part
of any State;

- (b) increase the area of any
State;
- (c) diminish the area of any
State;
- (d) alter the boundaries of any
State;
- (e) alter the name of any State:

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the boundaries of any State or States specified in Part A or Part B of the First Schedule or the name or names of any such State or States, the views of the Legislature of the State or, as the case may be, of each of the States both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been ascertained by the President.

Laws made
under arti-
cles 2 and
3 to provide
for the
amendment
of the First
and the
Fourth
Schedules:

4. (1) Any law referred to in article 2 or article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also

(Part II.—Extracts from the
Constitution)

contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary.

and supplemental, incidental and consequential matters.

(2) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368.

THE UNION

THE EXECUTIVE

The President and Vice-President

52. There shall be a President of India.

The President of India.

63. There shall be a Vice-President of India.

The Vice-President of India.

64. The Vice-President shall be *ex-officio* Chairman of the Council of States and shall not hold any other office of profit:

The Vice-President to be *ex-officio* Chairman of the Council of States.

Provided that during any period when the Vice-President acts as President or discharges the functions of the President under article 65, he shall not perform the duties of the office of Chairman of the Council of States and

(Part II.—*Extracts from the
Constitution*)

shall not be entitled to any salary or allowance payable to the Chairman of the Council of States under article 97.

Election of
Vice-
President.

66. (1) The Vice-President shall be elected by the members of both Houses of Parliament assembled at a joint meeting in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

(2) The Vice-President shall not be a member of either House of Parliament or of a House of the Legislature of any State, and if a member of either House of Parliament or of a House of the Legislature of any State be elected Vice-President, he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as Vice-President.

(3) No person shall be eligible for election as Vice-President unless he—

- (a) is a citizen of India;
- (b) has completed the age of thirty-five years; and
- (c) is qualified for election as a member of the Council of States.

(Part II.—Extracts from the
Constitution)

(4) A person shall not be eligible for election as Vice-President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.

Explanation.—For the purposes of this article, a person shall not be deemed to hold any office of profit by reason only that he is the President or Vice-President of the Union or the Governor or Rajpramukh or Uparajpramukh of any State or is a Minister either for the Union or for any State.

67. The Vice-President shall hold office for a term of five years from the date on which he enters upon his office: Term of office of Vice-President.

Provided that—

- (a) a Vice-President may, by writing under his hand addressed to the President, resign his office;
- (b) a Vice-President may be removed from his office by a resolution of the Council of States passed by a majority of all the then members of the

(Part II.—*Extracts from the
Constitution*)

Council and agreed to by the House of the People; but no resolution for the purpose of this clause shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution;

- (c) a Vice-President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

Time of
holding
election to
fill vacancy
in the office
of Vice-
President
and the
term of
office of
person
elected to
fill casual
vacancy.

68. (1) An election to fill a vacancy caused by the expiration of the term of office of Vice-President shall be completed before the expiration of the term.

(2) An election to fill a vacancy in the office of Vice-President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after the occurrence of the vacancy, and the person elected to fill the vacancy shall, subject to the provisions of article 67, be entitled to hold office for the full term of five years from the date on which he enters upon his office.

(Part II.—Extracts from the
Constitution)

69. Every Vice-President shall, before entering upon his office, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation in the following form, that is to say—

Oath or
affirmation
by the Vice-
President.

“I, A.B., do swear in the name of God
solemnly affirm

that I will bear true faith and
allegiance to the Constitution
of India as by law established
and that I will faithfully dis-
charge the duty upon which I
am about to enter.”

PARLIAMENT

General

79. There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People.

Constitu-
tion of Par-
liament.

80. (1) The Council of States shall consist of—

Composi-
tion of the
Council of
States.

(a) twelve members to be nomi-
nated by the President in ac-
cordance with the provisions
of clause (3); and

(Part II.—*Extracts from the
Constitution*)

(b) not more than two hundred and thirty-eight representatives of the States.

(2) The allocation of seats in the Council of States to be filled by representatives of the States shall be in accordance with the provisions in that behalf contained in the Fourth Schedule.

(3) The members to be nominated by the President under sub-clause (a) of clause (1) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, science, art and social service.

(4) The representatives of each State specified in Part A or Part B of the First Schedule in the Council of States shall be elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote.

(5) The representatives of the States specified in Part C of the First Schedule in the Council of States shall be chosen in such manner as Parliament may by law prescribe.

(Part II.—Extracts from the
Constitution)

81. (1) (a) Subject to the provisions of clause (2) and of articles 82 and 331, the House of the People shall consist of not more than five hundred members directly elected by the voters in the States.

Composition of the House of the People.

(b) For the purpose of sub-clause (a), the States shall be divided, grouped or formed into territorial constituencies and the number of members to be allotted to each such constituency shall be so determined as to ensure that there shall be not more than one member for every 500,000 of the population.

(c) The ratio between the number of members allotted to each territorial constituency and the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published shall, so far as practicable, be the same throughout the territory of India.

(2) The representation in the House of the People of the territories comprised within the territory of India but not included within any State shall be such as Parliament may by law provide.

(Part II.—Extracts from the
Constitution)

(3) Upon the completion of each census, the representation of the several territorial constituencies in the House of the People shall be readjusted by such authority, in such manner and with effect from such date as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the House of the People **until the dissolution** of the then existing House.

Special provision as to representation of States in Part C and territories other than States.

82. Notwithstanding anything in clause (1) of article 81, Parliament may by law provide for the representation in the House of the People of any State specified in Part C of the First Schedule or of any territories comprised within the territory of India but not included within any State on a basis or in a manner other than that provided in that clause.

Duration of Houses of Parliament.

83. (1) The Council of States shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law.

(Part II.—Extracts from the
Constitution)

(2) The House of the People, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House:

Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

84. A person shall not be qualified to be chosen to fill a seat in Parliament unless he—

Qualifica-
tion for
membership
of Parlia-
ment.

- (a) is a citizen of India;
- (b) is, in the case of a seat in the Council of States, not less than thirty years of age and, in the case of a seat in the House of the People, not less than twenty-five years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

(Part II.—*Extracts from the Constitution*)

Sessions of
Parliament,
prorogation
and dissolution.

85. (1) The President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The President may from time to time—

(a) prorogue the Houses or either House;

(b) dissolve the House of the People.

Right of
President
to address
and send
messages to
Houses.

86. (1) The President may address either House of Parliament or both Houses assembled together, and for that purpose require the attendance of members.

(2) The President may send messages to either House of Parliament, whether with respect to a Bill then pending in Parliament or otherwise, and a House to which any message is so sent shall with all convenient despatch consider any matter required by the message to be taken into consideration.

(Part II.—Extracts from the
Constitution)

87. (1) At the commencement of the first session after each general election to the House of the People and at the commencement of the first session of each year the President shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons.

Special address by the President at the commencement of every session.

(2) Provision shall be made by the rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in such address.

88. Every Minister and the Attorney-General of India shall have the right to speak in, and otherwise to take part in the proceedings of, either House, any joint sitting of the Houses, and any committee of Parliament of which he may be named a member, but shall not by virtue of this article be entitled to vote.

Rights of Ministers and Attorney-General as respects Houses.

Officers of Parliament

89. (1) The Vice-President of India shall be *ex-officio* Chairman of the Council of States.

The Chairman and Deputy Chairman of the Council of States.

(2) The Council of States shall, as soon as may be, choose a member of

(Part II.—Extracts from the
Constitution)

the Council to be Deputy Chairman thereof and, so often as the office of Deputy Chairman becomes vacant, the Council shall choose another member to be Deputy Chairman thereof.

Vacation
and resig-
nation of,
and re-
moval
from, the
office of
Deputy
Chairman.

90. A member holding office as Deputy Chairman of the Council of States—

- (a) shall vacate his office if he ceases to be a member of the Council;
- (b) may at any time, by writing under his hand addressed to the Chairman, resign his office; and
- (c) may be removed from his office by a resolution of the Council passed by a majority of all the then members of the Council:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution.

Power of
the Deputy
Chairman
or other
person to
perform
the duties
of the
office of,
or to act as,
Chairman.

91. (1) While the office of Chairman is vacant, or during any period when the Vice-President is acting as, or discharging the functions of, President, the duties of the office shall be performed by the Deputy Chairman, or, if the

(Part II.—Extracts from the
Constitution)

office of Deputy Chairman is also vacant, by such member of the Council of States as the President may appoint for the purpose.

(2) During the absence of the Chairman from any sitting of the Council of States the Deputy Chairman, or, if he is also absent, such person as may be determined by the rules of procedure of the Council, or, if no such person is present, such other person as may be determined by the Council, shall act as Chairman.

92. (1) At any sitting of the Council of States, while any resolution for the removal of the Vice-President from his office is under consideration, the Chairman, or while any resolution for the removal of the Deputy Chairman from his office is under consideration, the Deputy Chairman, shall not, though he is present, preside, and the provisions of clause (2) of article 91 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Chairman, or, as the case may be, the Deputy Chairman, is absent.

The Chairman or the Deputy Chairman not to preside while a resolution for his removal from office is under consideration.

(2) The Chairman shall have the right to speak in, and otherwise to take part in the proceedings of, the Council

(Part II.—*Extracts from the
Constitution*)

of States while any resolution for the removal of the Vice-President from his office is under consideration in the Council, but, notwithstanding anything in article 100, shall not be entitled to vote at all on such resolution or on any other matter during such proceedings.

Salaries
and allow-
ances of
the Chair-
man and
Deputy
Chairman
and the
Speaker
and Deputy
Speaker.

97. There shall be paid to the Chairman and the Deputy Chairman of the Council of the States, and to the Speaker and the Deputy Speaker of the House of the People, such salaries and allowances as may be respectively fixed by Parliament by law and, until provision in that behalf is so made, such salaries and allowances as are specified in the Second Schedule.

Secretariat
of Parlia-
ment.

98. (1) Each House of Parliament shall have a separate secretarial staff:

Provided that nothing in this clause shall be construed as preventing the creation of posts common to both Houses of Parliament.

(2) Parliament may by law regulate the recruitment, and the conditions of service of persons appointed, to the secretarial staff of either House of Parliament.

(Part II.—Extracts from the
Constitution)

(3) Until provision is made by Parliament under clause (2), the President may, after consultation with the Speaker of the House of the People or the Chairman of the Council of States, as the case may be, make rules regulating the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the House of the People or the Council of States, and any rules so made shall have effect subject to the provisions of any law made under the said clause.

Conduct of Business

99. Every member of either House of Parliament shall, before taking his seat, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.

Oath or
affirmation
by mem-
bers.

100. (1) Save as otherwise provided in this Constitution, all questions at any sitting of either House or joint sitting of the Houses shall be determined by a majority of votes of the members present and voting, other than the Speaker or person acting as Chairman or Speaker.

Voting in
Houses,
power of
Houses to
act not-
withstand-
ing vacan-
cies and
quorum.

(Part II.—*Extracts from the
Constitution*)

The Chairman or Speaker, or person acting as such, shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(2) Either House of Parliament shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in Parliament shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(3) Until Parliament by law otherwise provides, the quorum to constitute a meeting of either House of Parliament shall be one-tenth of the total number of members of the House.

(4) If at any time during a meeting of a House there is no quorum, it shall be the duty of the Chairman or Speaker, or person acting as such, either to adjourn the House or to suspend the meeting until there is a quorum.

Disqualifications of Members

Vacation
of seats.

101. (1) No person shall be a member of both Houses of Parliament and

(Part II.—Extracts from the
Constitution)

provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

(2) No person shall be a member both of Parliament and of a House of the Legislature of a State specified in Part A or Part B of the First Schedule, and if a person is chosen a member both of Parliament and of a House of the Legislature of such a State, then, at the expiration of such period as may be specified in rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislature of the State.

(3) If a member of either House of Parliament—

- (a) becomes subject to any of the disqualifications mentioned in clause (1) of article 102, or
- (b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be,

his seat shall thereupon become vacant.

(Part II.—Extracts from the
Constitution)

(4) If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

Disqualifi-
cations for
member-
ship.

102. (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—

- (a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;
- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign

(Part II.—Extracts from the
Constitution)

State, or is under any acknowledgment of allegiance or adherence to a foreign State;

- (e) if he is so disqualified by or under any law made by Parliament.

(2) For the purposes of this article a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he is a Minister either for the Union or for such State.

103. (1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final.

Decision on questions as to disqualifications of members.

(2) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

104. If a person sits or votes as a member of either House of Parliament

Penalty for sitting and voting

(Part II.—Extracts from the
Constitution)

before
making
oath or
affirmation
under
article 99
or when
not quali-
fied or
when dis-
qualified.

before he has complied with the requirements of article 99, or when he knows that he is not qualified or that he is disqualified for membership thereof, or that he is prohibited from so doing by the provisions of any law made by Parliament, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union.

*Powers, Privileges and Immunities
of Parliament and its Members*

Powers,
privileges,
etc., of
the Houses
of Parlia-
ment and
of the
members
and com-
mittees
thereof.

105. (1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.

(2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of each

(Part II.—Extracts from the
Constitution)

House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution.

(4) The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of, a House of Parliament or any committee thereof as they apply in relation to members of Parliament.

106. Members of either House of Parliament shall be entitled to receive such salaries and allowances as may from time to time be determined by Parliament by law and, until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the commencement of this Constitution applicable in the case of members of the Constitution Assembly of the Dominion of India.

Salaries
and allow-
ances of
members.

(Part II.—Extracts from the
Constitution)

Legislative Procedure

Provisions
as to in-
troduction
and passing
of Bills.

107. (1) Subject to the provisions of articles 109 and 117 with respect to Money Bills and other financial Bills, a Bill may originate in either House of Parliament.

(2) Subject to the provisions of articles 108 and 109, a Bill shall not be deemed to have been passed by the Houses of Parliament unless it has been agreed to by both Houses, either without amendment or with such amendments only as are agreed to by both Houses.

(3) A Bill pending in Parliament shall not lapse by reason of the prorogation of the Houses.

(4) A Bill pending in the Council of States which has not been passed by the House of the People shall not lapse on a dissolution of the House of the People.

(5) A Bill which is pending in the House of the People, or which having been passed by the House of the People is pending in the Council of States, shall, subject to the provisions of article 108, lapse on a dissolution of the House of the People.

(Part II.—Extracts from the
Constitution)

108. (1) If after a Bill has been passed by one House and transmitted to the other House—

Joint sitting of both Houses in certain cases.

- (a) the Bill is rejected by the other House; or
- (b) the Houses have finally disagreed as to the amendments to be made in the Bill; or
- (c) more than six months elapse from the date of the reception of the Bill by the other House without the Bill being passed by it,

the President may, unless the Bill has lapsed by reason of a dissolution of the House of the People, notify to the Houses by message if they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill:

Provided that nothing in this clause shall apply to a Money Bill.

(2) In reckoning any such period of six months as is referred to in clause (1), no account shall be taken of any period during which the House refer-

(Part II.—*Extracts from the
Constitution*)

red to in sub-clause (c) of that clause is prorogued or adjourned for more than four consecutive days.

(3) Where the President has under clause (1) notified his intention of summoning the Houses to meet in a joint sitting, neither House shall proceed further with the Bill, but the President may at any time after the date of his notification summon the Houses to meet in a joint sitting for the purpose specified in the notification and, if he does so, the Houses shall meet accordingly.

(4) If at the joint sitting of the two Houses the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Houses present and voting, it shall be deemed for the purposes of this Constitution to have been passed by both Houses:

Provided that at a joint sitting—

- (a) if the Bill, having been passed by one House, has not been passed by the other House with amendments and returned to the House in which it originated, no amendment shall be proposed to the Bill other than

(Part II.—*Extracts from the
Constitution*)

such amendments (if any) as are made necessary by the delay in the passage of the Bill;

- (b) if the Bill has been so passed and returned, only such amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Houses have not agreed;

and the decision of the person presiding as to the amendments which are admissible under this clause shall be final.

(5) A joint sitting may be held under this article and a Bill passed thereat, notwithstanding that a dissolution of the House of the People has intervened since the President notified his intention to summon the Houses to meet therein.

109. (1) A Money Bill shall not be introduced in the Council of States.

Special
procedure
in respect
of Money
Bills.

(2) After a Money Bill has been passed by the House of the People it shall be transmitted to the Council of States for its recommendations and the Coun-

(Part II.—*Extracts from the
Constitution*)

cil of States shall within a period of fourteen days from the date of its receipt of the Bill return the Bill to the House of the People with its recommendations and the House of the People may thereupon either accept or reject all or any of the recommendations of the Council of States.

(3) If the House of the People accepts any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Council of States and accepted by the House of the People.

(4) If the House of the People does not accept any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the House of the People without any of the amendments recommended by the Council of States.

(5) If a Money Bill passed by the House of the People and transmitted to the Council of States for its recommendations is not returned to the House of the People within the said period of fourteen days, it shall be deemed to have been passed by both

(Part II.—Extracts from the
Constitution)

Houses at the expiration of the said period in the form in which it was passed by the House of the People.

110. (1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely:—

Definition
of "Money
Bills".

- (a) the imposition, abolition, remission, alteration or regulation of any tax;
- (b) the regulation of the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;
- (c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund;
- (d) the appropriation of moneys out of the Consolidated Fund of India;

(Part II.—*Extracts from the Constitution*)

- (e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;
- (f) the receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State; or
- (g) any matter incidental to any of the matters specified in sub-clauses (a) to (f).

(2) A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the House of the People thereon shall be final.

(Part II.—Extracts from the
Constitution)

(4) There shall be endorsed on every Money Bill when it is transmitted to the Council of States under article 109, and when it is presented to the President for assent under article 111, the certificate of the Speaker of the House of the People signed by him that it is a Money Bill.

111. When a Bill has been passed by the Houses of Parliament, it shall be presented to the President, and the President shall declare either that he assents to the Bill, or that he withholds assent therefrom: Assent to Bills.

Provided that the President may, as soon as possible after the presentation to him of a Bill for assent, return the Bill if it is not a Money Bill to the Houses with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and when a Bill is so returned, the Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the Houses with or without amendment and presented to the President for assent, the President shall not withhold assent therefrom.

(Part II.—Extracts from the
Constitution)

Procedure in financial matters

Annual financial
statement.

112. (1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India,

and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of India—

(a) the emoluments and allowances of the President and other

(Part II.—*Extracts from the
Constitution*)

- expenditure relating to his office;
- (b) the salaries and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People;
 - (c) debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;
 - (d) (i) the salaries, allowances and pensions payable to or in respect of Judges of the Supreme Court;
 - (ii) the pensions payable to or in respect of Judges of the Federal Court;
 - (iii) the pensions payable to or in respect of Judges of any High Court which exercises jurisdiction in relation to any area included in the territory of India or which at any time before the commencement of

(Part II.—Extracts from the
Constitution)

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(Part II.—*Extracts from the
Constitution*)

expenditure relating to his office;

- (b) the salaries and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People;
- (c) debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;
- (d) (i) the salaries, allowances and pensions payable to or in respect of Judges of the Supreme Court;
- (ii) the pensions payable to or in respect of Judges of the Federal Court;
- (iii) the pensions payable to or in respect of Judges of any High Court which exercises jurisdiction in relation to any area included in the territory of India or which at any time before the commencement of

(Part II.—*Extracts from the Constitution*)

this Constitution exercised jurisdiction in relation to any area included in a Province corresponding to a State specified in Part A of the First Schedule;

- (e) the salary, allowances and pension payable to or in respect of the Comptroller and Auditor-General of India;
- (f) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;
- (g) any other expenditure declared by this Constitution or by Parliament by law to be so charged.

Procedure
in Parlia-
ment with
respect to
estimates.

113. (1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of India shall not be submitted to the vote of Parliament, but nothing in this clause shall be construed as preventing the discussion in either House of Parliament of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for

(Part II.—*Extracts from the
Constitution*)

grants to the House of the People, and the House of the People shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the President.

114. (1) As soon as may be after the grants under article 113 have been made by the House of the People, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of India of all moneys required to meet—

Appropriation Bills.

(a) the grants so made by the House of the People; and

(b) the expenditure charged on the Consolidated Fund of India but not exceeding in any case the amount shown in the statement previously laid before Parliament.

(2) No amendment shall be proposed to any such Bill in either House of Parliament which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expendi-

(Part II.—*Extracts from the
Constitution*)

ture charged on the Consolidated Fund of India, and the decision of the person presiding as to whether an amendment is inadmissible under this clause shall be final.

(3) Subject to the provisions of articles 115 and 116, no money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law passed in accordance with the provisions of this article.

Supple-
mentary,
additional
or excess
grants.

115. (1) The President shall—

- (a) if the amount authorised by any law made in accordance with the provisions of article 114 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or
- (b) if any money has been spent on any service during a financial year in excess of the

(Part II.—*Extracts from the
Constitution*)

amount granted for that service and for that year,

cause to be laid before both the Houses of Parliament another statement showing the estimated amount of that expenditure or cause to be presented to the House of the People a demand for such excess, as the case may be.

(2) The provisions of articles 112, 113 and 114 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of India to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure or grant.

116. (1) Notwithstanding anything in the foregoing provisions of this Chapter, the House of the People shall have power—

Votes on
account,
votes of
credit and
exceptional
grants.

(a) to make any grant in advance
in respect of the estimated

(Part II.—*Extracts from the
Constitution*)

expenditure for a part of any financial year pending the completion of the procedure prescribed in article 113 for the voting of such grant and the passing of the law in accordance with the provisions of article 114 in relation to that expenditure;

- (b) to make a grant for meeting an unexpected demand upon the resources of India when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement;
- (c) to make an exceptional grant which forms no part of the current service of any financial year;

and Parliament shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of India for the purposes for which the said grants are made.

(2) The provisions of articles 113 and 114 shall have effect in relation to the making of any grant under clause (1)

(Part II.—Extracts from the
Constitution)

and to any law to be made under that clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure.

117. (1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States:

Special
provisions
as to
financial
Bills.

Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the

(Part II.—*Extracts from the
Constitution*)

imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill.

Procedure Generally

**Rules of
procedure**

118. (1) Each House of Parliament may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.

(2) Until rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature of the Dominion of India shall have effect in relation to Parliament subject to such modifications and adaptations as may be made therein by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

(Part II.—*Extracts from the
Constitution*)

(3) The President, after consultation with the Chairman of the Council of States and the Speaker of the House of the People, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Houses.

(4) At a joint sitting of the two Houses the Speaker of the House of the People, or in his absence such person as may be determined by rules of procedure made under clause (3), shall preside.

119. Parliament may, for the purpose of the timely completion of financial business, regulate by law the procedure of, and the conduct of business in, each House of Parliament in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of India, and, if and so far as any provision of any law so made is inconsistent with any rule made by a House of Parliament under clause (1) of article 118 or with any rule or standing order having effect in relation to Parliament under clause (2) of that article, such provision shall prevail.

Regulation
by law of
procedure
in Parlia-
ment in
relation
to finan-
cial busi-
ness.

(Part II.—Extracts from the
Constitution)

Language
to be used
in Parlia-
ment.

120. (1) Notwithstanding anything in Part XVII, but subject to the provisions of article 348, business in Parliament shall be transacted in Hindi or in English:

Provided that the Chairman of the Council of States or Speaker of the House of the People, or person acting as such, as the case may be, may permit any member who cannot adequately express himself in Hindi or in English to address the House in his mother tongue.

(2) Unless Parliament by law otherwise provides, this article shall, after the expiration of a period of fifteen years from the commencement of this Constitution, have effect as if the words "or in English" were omitted therefrom.

Restriction
on discus-
sion in
Parlia-
ment.

121. No discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties except upon a motion for presenting an address to the President praying for the removal of the Judge as hereinafter provided.

(Part II.—Extracts from the
Constitution)

122. (1) The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure. Courts not to inquire into proceedings of Parliament.

(2) No officer or member of Parliament in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in Parliament shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

LEGISLATIVE POWERS OF THE
PRESIDENT

123. (1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require. Power of President to promulgate Ordinances during recess of Parliament.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—

(a) shall be laid before both Houses of Parliament and shall

*(Part II.—Extracts from the
Constitution)*

cease to operate at the expiration of six weeks from the re-assembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and

- (b) may be withdrawn at any time by the President.

Explanation.—Where the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause.

(3) If and so far as an Ordinance under this article makes any provision which Parliament would not under this Constitution be competent to enact, it shall be void.

THE STATES IN PART C OF THE FIRST SCHEDULE

Creation or
continuance
of local
Legisla-
tures or
Council of

240. (1) Parliament may by law create or continue for any State specified in Part C of the First Schedule and administered through a Chief

(Part II.—Extracts from the
Constitution)

Commissioner or Lieutenant-Governor—Advisers of
Ministers.

(a) a body, whether nominated,
elected or partly nominated
and partly elected, to function
as a Legislature for the State;
or

(b) a Council of Advisers or
Ministers,

or both with such constitution, powers
and functions, in each case, as may be
specified in the law.

(2) Any such law as is referred to in
clause (1) shall not be deemed to be an
amendment of this Constitution for the
purposes of article 368 notwithstanding
that it contains any provision which
amends or has the effect of amending
the Constitution.

241. (1) Parliament may by law constitute a High Court for a State specified in Part C of the First Schedule or declare any court in any such State to be a High Court for all or any of the purposes of this Constitution.

High
Courts for
States in
Part C of
the First
Schedule.

(2) The provisions of Chapter V of
Part VI shall apply in relation to every
High Court referred to in clause (1)

(Part II.—*Extracts from the
Constitution*)

as they apply in relation to a High Court referred to in article 214 subject to such modifications or exceptions as Parliament may by law provide.

RELATIONS BETWEEN THE UNION AND THE STATES

LEGISLATIVE RELATIONS

Distribution of Legislative Powers

Extent of laws made by Parliament and by the Legislatures of States.

245. (1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State.

(2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation.

Subject-matter of laws made by Parliament and by the Legislatures of States.

246. (1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the "Union List").

(2) Notwithstanding anything in clause (3), Parliament, and, subject to

(Part II.—Extracts from the
Constitution)

clause (1), the Legislature of any State specified in Part A or Part B of the First Schedule also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the "Concurrent List").

(3) Subject to clauses (1) and (2), the Legislature of any State specified in Part A or Part B of the First Schedule has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the "State List").

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included in Part A or Part B of the First Schedule notwithstanding that such matter is a matter enumerated in the State List.

247. Notwithstanding anything in this Chapter, Parliament may by law provide for the establishment of any additional courts for the better administration of laws made by Parliament or of any existing law with respect to a matter enumerated in the Union List.

Power of
Parliament
to provide
for the
establish-
ment of
certain
additional
courts.

(Part II.—*Extracts from the Constitution*)

Residuary
powers of
legislation.

248. (1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

(2) Such power shall include the power of making any law imposing a tax not mentioned in either of those Lists.

Power of
Parliament
to legislate
with res-
pect to a
matter
in the
State List
in the
national
interest.

249. (1) Notwithstanding anything in the foregoing provisions of this Chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force.

(2) A resolution passed under clause (1) shall remain in force for such period not exceeding one year as may be specified therein:

Provided that, if and so often as a resolution approving the continuance in force of any such resolution is pass-

(Part II.—*Extracts from the
Constitution*)

ed in the manner provided in clause (1), such resolution shall continue in force for a further period of one year from the date on which under this clause it would otherwise have ceased to be in force.

(3) A law made by Parliament which Parliament would not but for the passing of a resolution under clause (1) have been competent to make shall, to the extent of the incompetency, cease to have effect on the expiration of a period of six months after the resolution has ceased to be in force, except as respects things done or omitted to be done before the expiration of the said period.

250. (1) Notwithstanding anything in this Chapter, Parliament shall, while a Proclamation of Emergency is in operation, have power to make laws for the whole or any part of the territory of India with respect to any of the matters enumerated in the State List.

Power of
Parliament
to legislate
with
respect
to any
matter in
the State
List if a
Proclama-
tion of
Emergency
is in
operation.

(2) A law made by Parliament which Parliament would not but for the issue of a Proclamation of Emergency have been competent to make shall, to the extent of the incompetency, cease to

*(Part II.—Extracts from the
Constitution)*

have effect on the expiration of a period of six months after the Proclamation has ceased to operate, except as respects things done or omitted to be done before the expiration of the said period.

Inconsistency between laws made by Parliament under articles 249 and 250 and laws made by the Legislatures of States.

251. Nothing in articles 249 and 250 shall restrict the power of the Legislature of a State to make any law which under this Constitution it has power to make, but if any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament has under either of the said articles power to make, the law made by Parliament, whether passed before or after the law made by the Legislature of the State, shall prevail, and the law made by the Legislature of the State shall to the extent of the repugnancy, but so long only as the law made by Parliament continues to have effect, be inoperative.

Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State.

252. (1) If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, and if resolu-

(Part II.—Extracts from the
Constitution)

tions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly, and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State.

(2) Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State.

253. Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.

Legislation
for giving
effect to
international
agreements.

254. (1) If any provision of a law made by the Legislature of a State is

Inconsistency
between

(Part II.—*Extracts from the
Constitution*)

laws made
by Parlia-
ment and
laws made
by the
Legisla-
tures of
States.

repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of a State specified in Part A or Part B of the First Schedule with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State:

Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law

(Part II.—*Extracts from the
Constitution*)

adding to, amending, varying or repealing the law so made, by the Legislature of the State.

255. No Act of Parliament or of the Legislature of a State specified in Part A or Part B of the First Schedule, and no provision in any such Act, shall be invalid by reason only that some recommendation or previous sanction required by this Constitution was not given, if assent to that Act was given—

Requirements as to recommendations and previous sanctions to be regarded as matters of procedure only.

- (a) where the recommendation required was that of the Governor, either by the Governor or by the President;
- (b) where the recommendation required was that of the Rajpramukh, either by the Rajpramukh or by the President;
- (c) where the recommendation or previous sanction required was that of the President, by the President.

274. (1) No Bill or amendment which imposes or varies any tax or duty in which States are interested, or which varies the meaning of the expression "agricultural income" as defined for the purposes of the enactments relating to Indian income-tax,

Prior recommendation of President required to Bills affecting taxation in which States are interested.

(Part II.—*Extracts from the Constitution*)

or which affects the principles on which under any of the foregoing provisions of this Chapter moneys are or may be distributable to States, or which imposes any such surcharge for the purposes of the Union as is mentioned in the foregoing provisions of this Chapter, shall be introduced or moved in either House of Parliament except on the recommendation of the President.

(2) In this article, the expression "tax or duty in which States are interested" means—

- (a) a tax or duty the whole or part of the net proceeds whereof are assigned to any State; or
- (b) a tax or duty by reference to the net proceeds whereof sums are for the time being payable out of the Consolidated Fund of India to any State.

TRADE, COMMERCE AND INTER-COURSE WITHIN THE TERRITORY OF INDIA

Power of Parliament to impose restrictions on trade,

302. Parliament may by law impose such restrictions on the freedom of trade, commerce or intercourse between

(Part II.—Extracts from the
Constitution)

one State and another or within any part of the territory of India as may be required in the public interest. commerce and intercourse.

303. (1) Notwithstanding anything in article 302, neither Parliament nor the Legislature of a State shall have power to make any law giving, or authorising the giving of, any preference to one State over another, or making, or authorising the making of, any discrimination between one State and another, by virtue of any entry relating to trade and commerce in any of the Lists in the Seventh Schedule. Restrictions on the legislative powers of the Union and of the States with regard to trade and commerce.

(2) Nothing in clause (1) shall prevent Parliament from making any law giving, or authorising the giving of, any preference or making, or authorising the making of, any discrimination if it is declared by such law that it is necessary to do so for the purpose of dealing with a situation arising from scarcity of goods in any part of the territory of India.

ELECTIONS

324. (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to Superintendence, direction and control of elections to be vested in an

*(Part II.—Extracts from the
Constitution)*

Election
Commis-
sion.

the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution, including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the Legislatures of States shall be vested in a Commission (referred to in this Constitution as the Election Commission).

* * * *

329. Notwithstanding anything in this Constitution—

* * * *

- (b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.

OFFICIAL LANGUAGE

LANGUAGE OF THE UNION

Official
language
of the
Union.

343. (1) The official language of the Union shall be Hindi in Devanagari script.

(Part II.—Extracts from the
Constitution)

The form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals.

(2) Notwithstanding anything in clause (1), for a period of fifteen years from the commencement of the Constitution, the English language shall continue to be used for all the official purposes of the Union for which it was being used immediately before such commencement:

Provided that the President may, during the said period, by order authorise the use of the Hindi language in addition to the English language and of the Devanagari form of numerals in addition to the international form of Indian numerals for any of the official purposes of the Union.

(3) Notwithstanding anything in this article, Parliament may by law provide for the use, after the said period of fifteen years, of—

(a) the English language, or

(b) the Devanagari form of numerals,

for such purposes as may be specified in the law.

*(Part II.—Extracts from the
Constitution)*

Language
to be used
in the
Supreme
Court and
in the High
Courts and
for Acts,
Bills, etc.

348. (1) Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides—

* * * *

(b) the authoritative texts—

(i) of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State,

(ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor or Rajpramukh of a State, and

(iii) of all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by Parliament or the Legislature of a State,

shall be in the English language.

* * * *

Special
procedure
for enact-

349. During the period of fifteen years from the commencement of this

(Part II.—*Extracts from the
Constitution*)

Constitution, no Bill or amendment making provision for the language to be used for any of the purposes mentioned in clause (1) of article 348 shall be introduced or moved in either House of Parliament without the previous sanction of the President, and the President shall not give his sanction to the introduction of any such Bill or the moving of any such amendment except after he has taken into consideration the recommendations of the Commission constituted under clause (1) of article 344 and the report of the Committee constituted under clause (4) of that article.

ment of
certain
laws
relating to
language.

EMERGENCY PROVISIONS

352. (1) If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance, he may, by Proclamation, make a declaration to that effect.

Proclama-
tion of
Emergency.

(2) A Proclamation issued under clause (1)—

(a) may be revoked by a subsequent Proclamation;

(Part II.—*Extracts from the Constitution*)

- (b) shall be laid before each House of Parliament;
- (c) shall cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament:

Provided that if any such Proclamation is issued at a time when the House of the People has been dissolved or the dissolution of the House of the People takes place during the period of two months referred to in sub-clause (c), and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution unless before the expiration of the said period of thirty days a resolution approving the Proclamation has been also passed by the House of the People.

(3) A Proclamation of Emergency declaring that the security of India or

(Part II.—Extracts from the
Constitution)

of any part of the territory thereof is threatened by war or by external aggression or by internal disturbance may be made before the actual occurrence of war or of any such aggression or disturbance if the President is satisfied that there is imminent danger thereof.

353. While a Proclamation of Emergency is in operation, then—

Effect of
Proclama-
tion of
Emer-
gency.

- (a) notwithstanding anything in this Constitution, the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is to be exercised;
- (b) the power of Parliament to make laws with respect to any matter shall include power to make laws conferring powers and imposing duties, or authorising the conferring of powers and the imposition of duties, upon the Union or officers and authorities of the Union as respects that matter, notwithstanding that it is one which is not enumerated in the Union List.

(Part II.—*Extracts from the
Constitution*)

AMENDMENT OF THE CONSTITUTION

Procedure
for amend-
ment of the
Constitu-
tion.

368. An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President for his assent and upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill:

Provided that if such amendment seeks to make any change in—

- (a) article 54, article 55, article 73, article 162 or article 241, or
 - (b) Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI, or
 - (c) any of the Lists in the Seventh Schedule, or
 - (d) the representation of States in Parliament, or
 - (e) the provisions of this article,
- the amendment shall also require to be ratified by the Legislatures of not less

(Part II.—Extracts from the
Constitution)

than one-half of the States specified in Parts A and B of the First Schedule by resolutions to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent.

TEMPORARY AND TRANSITIONAL
PROVISIONS

369. Notwithstanding anything in this Constitution, Parliament shall, during a period of five years from the commencement of this Constitution, have power to make laws with respect to the following matters as if they were enumerated in the Concurrent List, namely:—

Temporary power to Parliament to make laws with respect to certain matters in the State List as if they were matters in the Concurrent List.

- (a) trade and commerce within a State in, and the production, supply and distribution of, cotton and woollen textiles, raw cotton (including ginned cotton and unginned cotton or *kapas*), cotton seed, paper (including newsprint), food-stuffs (including edible oil-seeds and oil), cattle fodder (including oil-cakes and other concentrates), coal (including coke and derivatives of coal), iron, steel and mica;

(Part II.—*Extracts from the
Constitution*)

- (b) offences against laws with respect to any of the matters mentioned in clause (a), jurisdiction and powers of all courts except the Supreme Court with respect to any of those matters, and fees in respect of any of those matters but not including fees taken in any court;

but any law made by Parliament, which Parliament would not but for the provisions of this article have been competent to make shall, to the extent of the incompetency, cease to have effect on the expiration of the said period, except as respects things done or omitted to be done before the expiration thereof.

FIRST SCHEDULE

[Articles 1, 4 and 391]

The States and the territories of India**PART A**

<i>Names of States</i>	<i>Names of corresponding Provinces</i>
1. Assam	Assam
2. Bihar	Bihar
3. Bombay	Bombay
4. Madhya Pradesh.	The Central Provinces and Berar

(Part II.—Extracts from the
Constitution)

Names of States Names of corres-
 ponding Provinces

- | | |
|-------------------|----------------------|
| 5. Madras | Madras |
| 6. Orissa | Orissa |
| 7. Punjab | East Punjab |
| 8. Uttar Pradesh. | The United Provinces |
| 9. West Bengal | West Bengal. |

TERRITORIES OF STATES

The territory of the State of Assam shall comprise the territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas but shall not include the territories specified in the Schedule to the Assam (Alteration of Boundaries) Act, 1951.

* * * *

The territory of each of the other States in this Part shall comprise the territories which immediately before the commencement of this Constitution were comprised in the corresponding Province and the territories which, by virtue of an order made under section 290A of the Government of India Act, 1935, were immediately before such commencement being administered as if they formed part of that Province.

(Part II.—Extracts from the
Constitution)

PART B

NAMES OF STATES

1. Hyderabad.
2. Jammu and Kashmir.
3. Madhya Bharat.
4. Mysore.
5. Patiala and East Punjab States
Union.
6. Rajasthan.
7. Saurashtra.
8. Travancore-Cochin.

TERRITORIES OF STATES

The territory of each of the States in this Part shall comprise the territory which, immediately before the commencement of this Constitution, was comprised in, or administered by the Government of, the corresponding Indian State, and in the case of the State of Madhya Bharat, shall also comprise the territory which, immediately before such commencement, was comprised in the Chief Commissioner's Province of Panth Piploda.

PART C

NAMES OF STATES

1. Ajmer.
2. Bhopal.

(Part II.—Extracts from the
Constitution)

3. Bilaspur.
4. Coorg.
5. Delhi.
6. Himachal Pradesh.
7. Kutch.
8. Manipur.
9. Tripura.
10. Vindhya Pradesh.

TERRITORIES OF STATES

The territory of each of the States of Ajmer, Coorg and Delhi shall comprise the territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioners' Provinces of Ajmer-Merwara, Coorg and Delhi, respectively.

The territory of each of the other States in this Part shall comprise the territories which, by virtue of an order made under section 290A of the Government of India Act, 1935, were immediately before the commencement of this Constitution being administered as if they were a Chief Commissioner's Province of the same name.

(Part II.—Extracts from the
Constitution)

PART D

The Andaman and Nicobar Islands.

SECOND SCHEDULE

PART C

PROVISIONS AS TO THE SPEAKER AND THE DEPUTY SPEAKER OF THE HOUSE OF THE PEOPLE AND THE CHAIRMAN AND THE DEPUTY CHAIRMAN OF THE COUNCIL OF STATES AND THE SPEAKER AND THE DEPUTY SPEAKER OF THE LEGISLATIVE ASSEMBLY OF A STATE IN PART A OF THE FIRST SCHEDULE AND THE CHAIRMAN AND THE DEPUTY CHAIRMAN OF THE LEGISLATIVE COUNCIL OF ANY SUCH STATE.

7. There shall be paid to the Speaker of the House of the People and the Chairman of the Council of States such salaries and allowances as were payable to the Speaker of the Constituent Assembly of the Dominion of India immediately before the commencement of this Constitution, and there shall be paid to the Deputy Speaker of the House of the People and to the Deputy Chairman of the Council of States such salaries and allowances as were payable to the Deputy Speaker of the Constituent Assembly of the Dominion of

(Part II.—*Extracts from the
Constitution*)

India immediately before such commencement.

8. There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly of a State specified in Part A of the First Schedule and to the Chairman and the Deputy Chairman of the Legislative Council of such State such salaries and allowances as were payable respectively to the Speaker and the Deputy Speaker of the Legislative Assembly and the President and the Deputy President of the Legislative Council of the corresponding Province immediately before the commencement of this Constitution and, where the corresponding Province had no Legislative Council immediately before such commencement, there shall be paid to the Chairman and the Deputy Chairman of the Legislative Council of the State such salaries and allowances as the Governor of the State may determine.

THIRD SCHEDULE

Forms of Oaths or Affirmations

III

Form of oath or affirmation to be made by a member of Parliament:—

“I, A.B., having been elected (or

(Part II.—Extracts from the
Constitution)

nominated) a member of the Council
of States (or the House of the People)
swear in the name of God

do _____ that I

solemnly affirm

will bear true faith and allegiance to
the Constitution of India as by law
established and that I will faithfully
discharge the duty upon which I am
about to enter."

FOURTH SCHEDULE

[Articles 4(1), 80(2) and 391]

Allocation of seats in the Council of States

To each State or group of States
specified in the first column of the
table of seats appended to this Sche-
dule there shall be allotted the number
of seats specified in the second column
of the said table opposite to that State
or group of States, as the case may
be.

TABLE OF SEATS

THE COUNCIL OF STATES

Representatives of States specified in Part A of the First Schedule

1	2
States	Total Seats
1. Assam	... 6

*(Part II.—Extracts from the
Constitution)*

1	2
States	Total Seats
2. Bihar	... 21
3. Bombay	... 17
4. Madhya Pradesh	... 12
5. Madras	... 27
6. Orissa	... 9
7. Punjab	... 8
8. Uttar Pradesh	... 31
9. West Bengal	... 14
TOTAL	.. 145

**Representatives of States specified in
Part B of the First Schedule**

1	2
States	Total Seats
1. Hyderabad	... 11
2. Jammu and Kashmir	... 4
3. Madhya Bharat	... 6
4. Mysore	... 6
5. Patiala and East Punjab States Union.	3
6. Rajasthan	... 9
7. Saurashtra	... 4
8. Travancore-Cochin	... 6
TOTAL	... 49

(Part II.—Extracts from the
Constitution)

**Representatives of States specified in
Part C of the First Schedule**

1	2
States and Groups of States	Total Seats
1. Ajmer	.. 1
2. Coorg	
3. Bhopal	... 1
4. Bilaspur	} ... 1
5. Himachal Pradesh	
6. Delhi	... 1
7. Kutch	... 1
8. Manipur	} ... 1
9. Tripura	
10. Vindhya Pradesh	... 4
TOTAL	... 10
Total of all Seats	.. 204

(Part II.—Extracts from the
Constitution)

SEVENTH SCHEDULE

[Article 246]

List I—Union List

1. Defence of India and every part thereof including preparation for defence and all such acts as may be conducive in times of war to its prosecution and after its termination to effective demobilisation.

2. Naval, military and air forces; any other armed forces of the Union.

3. Delimitation of cantonment areas, local self-government in such areas, the constitution and powers within such areas of cantonment authorities and the regulation of house accommodation (including the control of rents) in such areas.

4. Naval, military and air force works.

5. Arms, firearms, ammunition and explosives.

6. Atomic energy and mineral resources necessary for its production.

7. Industries declared by Parliament by law to be necessary for the purpose

(Part II.—*Extracts from the
Constitution*)

of defence or for the prosecution of war.

8. Central Bureau of Intelligence and Investigation.

9. Preventive detention for reasons connected with Defence, Foreign Affairs, or the security of India; persons subjected to such detention.

10. Foreign Affairs: all matters which bring the Union into relation with any foreign country.

11. Diplomatic, consular and trade representation.

12. United Nations Organisation.

13. Participation in international conferences, associations and other bodies and implementing of decisions made thereat.

14. Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.

15. War and peace.

16. Foreign jurisdiction.

17. Citizenship, naturalisation and aliens.

(Part II.—Extracts from the
Constitution)

18. Extradition.

19. Admission into, and emigration and expulsion from, India; passports and visas.

20. Pilgrimages to places outside India.

21. Piracies and crimes committed on the high seas or in the air; offences against the law of nations committed on land or the high seas or in the air.

22. Railways.

23. Highways declared by or under law made by Parliament to be national highways.

24. Shipping and navigation on inland waterways, declared by Parliament by law to be national waterways, as regards mechanically propelled vessels; the rule of the road on such waterways.

25. Maritime shipping and navigation, including shipping and navigation on tidal waters; provision of education and training for the mercantile marine and regulation of such education and training provided by States and other agencies.

(Part II.—*Extracts from the Constitution*)

26. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.

27. Ports declared by or under law made by Parliament or existing law to be major ports, including their delimitation, and the constitution and powers of port authorities therein.

28. Port quarantine, including hospitals connected therewith; seamen's and marine hospitals.

29. Airways; aircraft and air navigation; provision of aerodromes; regulation and organisation of air traffic and of aerodromes; provision for aeronautical education and training and regulation of such education and training provided by States and other agencies.

30. Carriage of passengers and goods by railway, sea or air, or by national waterways in mechanically propelled vessels.

31. Posts and telegraphs; telephones, wireless, broadcasting and other like forms of communication.

32. Property of the Union and the revenue therefrom, but as regards property situated in a State specified in

(Part II.—Extracts from the
Constitution)

Part A or Part B of the First Schedule subject to legislation by the State, save in so far as Parliament by law otherwise provides.

33. Acquisition or requisitioning of property for the purposes of the Union.

34. Courts of wards for the estates of Rulers of Indian States.

35. Public debt of the Union.

36. Currency, coinage and legal tender; foreign exchange.

37. Foreign loans.

38. Reserve Bank of India.

39. Post Office Savings Bank.

40. Lotteries organised by the Government of India or the Government of a State.

41. Trade, and commerce with foreign countries; import and export across customs frontiers; definition of customs frontiers.

42. Inter-State trade and commerce.

43. Incorporation, regulation and winding up of trading corporations.

(Part II.—*Extracts from the
Constitution*)

including banking, insurance and financial corporations but not including co-operative societies.

44. Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, but not including universities.

45. Banking.

46. Bills of exchange, cheques, promissory notes and other like instruments.

47. Insurance.

48. Stock exchanges and futures markets.

49. Patents, inventions and designs; copyright; trademarks and merchandise marks.

50. Establishment of standards of weight and measure.

51. Establishment of standards of quality for goods to be exported out of India or transported from one State to another.

52. Industries, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.

(Part II.—Extracts from the
Constitution)

53. Regulation and development of oilfields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable.

54. Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.

55. Regulation of labour and safety in mines and oilfields.

56. Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.

57. Fishing and fisheries beyond territorial waters.

58. Manufacture, supply and distribution of salt by Union agencies; regulation and control of manufacture, supply and distribution of salt by other agencies.

(Part II.—*Extracts from the
Constitution*)

59. Cultivation, manufacture, and sale for export, of opium.

60. Sanctioning of cinematograph films for exhibition.

61. Industrial disputes concerning Union employees.

62. The institutions known at the commencement of this Constitution as the National Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial and the Indian War Memorial, and any other like institution financed by the Government of India wholly or in part and declared by Parliament by law to be an institution of national importance.

63. The institutions known at the commencement of this Constitution as the Benares Hindu University, the Aligarh Muslim University and the Delhi University, and any other institution declared by Parliament by law to be an institution of national importance.

64. Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance.

(Part II.—Extracts from the
Constitution)

65. Union agencies and institutions
for—

(a) professional, vocational or
technical training, including
the training of police officers;
or

(b) the promotion of special
studies or research; or

(c) scientific or technical assist-
ance in the investigation or
detection of crime.

66. Co-ordination and determination
of standards in institutions for higher
education or research and scientific
and technical institutions.

67. Ancient and historical monu-
ments and records and archæological
sites and remains, declared by Parlia-
ment by law to be of national import-
ance.

68. The Survey of India, the Geolo-
gical, Botanical, Zoological and An-
thropological Surveys of India;
Meteorological organisations.

69. Census.

70. Union public services; all-India
services; Union Public Service Com-
mission.

(Part II.—*Extracts from the
Constitution*)

71. Union pensions, that is to say, pensions payable by the Government of India or out of the Consolidated Fund of India.

72. Elections to Parliament, to the Legislatures of States and to the offices of President and Vice-President; the Election Commission.

73. Salaries and allowances of members of Parliament, the Chairman and Deputy Chairman of the Council of States and the Speaker and Deputy Speaker of the House of the People.

74. Powers, privileges and immunities of each House of Parliament and of the members and the committees of each House; enforcement of attendance of persons for giving evidence or producing documents before committees of Parliament or commissions appointed by Parliament.

75. Emoluments, allowances, privileges, and rights in respect of leave of absence, of the President and Governors; salaries and allowances of the Ministers for the Union; the salaries, allowances and rights in respect of leave of absence and other conditions of service of the Comptroller and Auditor-General.

(Part II.—Extracts from the
Constitution)

76. Audit of the accounts of the Union and of the States.

77. Constitution, organisation, jurisdiction and powers of the Supreme Court (including contempt of such Court) and the fees taken therein; persons entitled to practise before the Supreme Court.

78. Constitution and organisation of the High Courts except provisions as to officers and servants of High Courts; persons entitled to practise before the High Courts.

79. Extension of the jurisdiction of a High Court having its principal seat in any State to, and exclusion of the jurisdiction of any such High Court from, any area outside that State.

80. Extension of the powers and jurisdiction of members of a police force belonging to any State to any area outside that State, but not so as to enable the police of one State to exercise powers and jurisdiction in any area outside that State without the consent of the Government of the State in which such area is situated; extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State.

(Part II.—Extracts from the
Constitution)

81. Inter-State migration; inter-State quarantine.

82. Taxes on income other than agricultural income.

83. Duties of customs, including export duties.

84. Duties of excise on tobacco and other goods manufactured or produced in India except—

(a) alcoholic liquors for human consumption;

(b) opium, Indian hemp and other narcotic drugs and narcotics,

but including medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry.

85. Corporation tax.

86. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies.

87. Estate duty in respect of property other than agricultural land.

88. Duties in respect of succession to property other than agricultural land.

(Part II.—Extracts from the
Constitution)

89. Terminal taxes on goods or passengers, carried by railway, sea or air; taxes on railway fares and freights.

90. Taxes other than stamp duties on transactions in stock exchanges and futures markets.

91. Rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts.

92. Taxes on the sale or purchase of newspapers and on advertisements published therein.

93. Offences against laws with respect to any of the matters in this List.

94. Inquiries, surveys and statistics for the purpose of any of the matters in this List.

95. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List; admiralty jurisdiction.

96. Fees in respect of any of the matters in this List, but not including fees taken in any court.

97. Any other matter not enumerated in List II or List III including

(Part II.—*Extracts from the
Constitution*)

any tax not mentioned in either of those Lists.

List II—State List

1. Public order (but not including the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power).

2. Police, including railway and village police.

3. Administration of justice; constitution and organisation of all courts, except the Supreme Court and the High Court; officers and servants of the High Court; procedure in rent and revenue courts; fees taken in all courts except the Supreme Court.

4. Prisons, reformatories, Borstal institutions and other institutions of a like nature and persons detained therein; arrangements with other States for the use of prisons and other institutions.

5. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

(Part II.—Extracts from the
Constitution)

6. Public health and sanitation; hospitals and dispensaries.

7. Pilgrimages, other than pilgrimages to places outside India.

8. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.

9. Relief of the disabled and unemployable.

10. Burials and burial grounds; cremations and cremation grounds.

11. Education including universities, subject to the provisions of entries 63, 64, 65 and 66 of List I and entry 25 of List III.

12. Libraries, museums and other similar institutions controlled or financed by the State; ancient and historical monuments and records other than those declared by Parliament by law to be of national importance.

13. Communications, that is to say, roads, bridges, ferries and other means of communication not specified in List I; municipal tramways; ropeways; inland waterways and traffic thereon, subject to the provisions of

(Part II.—*Extracts from the
Constitution*)

List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles.

14. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.

15. Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice.

16. Pounds and the prevention of cattle trespass.

17. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I.

18. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans: colonization.

19. Forests.

20. Protection of wild animals and birds.

(Part II.—Extracts from the
Constitution)

21. Fisheries.
22. Courts of wards subject to the provisions of entry 34 of List I; encumbered and attached estates.
23. Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union.
24. Industries subject to the provisions of entry 52 of List I.
25. Gas and gas-works.
26. Trade and commerce within the State subject to the provisions of entry 33 of List III.
27. Production, supply and distribution of goods subject to the provisions of entry 33 of List III.
28. Markets and fairs.
29. Weights and measures except establishment of standards.
30. Money-lending and money-lenders; relief of agricultural indebtedness.
31. Inns and inn-keepers.
32. Incorporation, regulation and winding up of corporations, other than

(Part II.—Extracts from the
Constitution)

those specified in List I, and universities; un-incorporated trading, literary, scientific, religious and other societies and associations; co-operative societies.

33. Theatres and dramatic performances; cinemas subject to the provisions of entry 60 of List I; sports, entertainments and amusements.

34. Betting and gambling.

35. Works, lands and buildings vested in or in the possession of the State.

36. Acquisition or requisitioning of property, except for the purposes of the Union, subject to the provisions of entry 42 of List III.

37. Elections to the Legislature of the State subject to the provisions of any law made by Parliament.

38. Salaries and allowances of members of the Legislature of the State, of the Speaker and Deputy Speaker of the Legislative Assembly and, if there is a Legislative Council, of the Chairman and Deputy Chairman thereof.

39. Powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof, and, if there is a Legislative Council, of that Council and of the members

(Part II.—*Extracts from the
Constitution*)

and the committees thereof; enforcement of attendance of persons for giving evidence or producing documents before committees of the Legislature of the State.

40. Salaries and allowances of Ministers for the State.

41. State public services; State Public Service Commission.

42. State pensions, that is to say, pensions payable by the State or out of the Consolidated Fund of the State.

43. Public debt of the State.

44. Treasure trove.

45. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues.

46. Taxes on agricultural income.

47. Duties in respect of succession to agricultural land.

48. Estate duty in respect of agricultural land.

49. Taxes on lands and buildings.

(Part II.—*Extracts from the
Constitution*)

50. Taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development.

51. Duties of excise on the following goods manufactured or produced in the State and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India:—

(a) alcoholic liquors for human consumption;

(b) opium, Indian hemp and other narcotic drugs and narcotics;

but not including medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry.

52. Taxes on the entry of goods into a local area for consumption, use or sale therein.

53. Taxes on the consumption or sale of electricity.

54. Taxes on the sale or purchase of goods other than newspapers.

55. Taxes on advertisements other than advertisements published in the newspapers.

(Part II.—Extracts from the
Constitution)

56. Taxes on goods and passengers carried by road or on inland waterways.

57. Taxes on vehicles, whether mechanically propelled or not, suitable for use on roads, including tramcars subject to the provisions of entry 35 of List III.

58. Taxes on animals and boats.

59. Tolls.

60. Taxes on professions, trades, callings and employments.

61. Capitation taxes.

62. Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.

63. Rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty.

64. Offences against laws with respect to any of the matters in this List.

65. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.

(Part II.—Extracts from the
Constitution)

66. Fees in respect of any of the matters in this List, but not including fees taken in any court.

List III—Concurrent List

1. Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power.

2. Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution.

3. Preventive detention for reasons connected with the security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community; persons subjected to such detention.

4. Removal from one State to another State of prisoners, accused persons and persons subjected to preventive detention for reasons specified in entry 3 of this List.

(Part II.—*Extracts from the
Constitution*)

5. Marriage and divorce; infants and minors; adoption; wills, intestacy and succession; joint family and partition; all matters in respect of which parties in judicial proceedings were immediately before the commencement of this Constitution subject to their personal law.

6. Transfer of property other than agricultural land; registration of deeds and documents.

7. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.

8. Actionable wrongs.

9. Bankruptcy and insolvency.

10. Trust and Trustees.

11. Administrators-general and official trustees.

12. Evidence and oaths; recognition of laws, public acts and records and judicial proceedings.

13. Civil procedure, including all matters included in the Code of Civil Procedure at the commencement of this Constitution, limitation and arbitration.

(Part II.—Extracts from the
Constitution)

14. Contempt of court, but not including contempt of the Supreme Court.

15. Vagrancy; nomadic and migratory tribes.

16. Lunacy and mental deficiency, including places for the reception or treatment of lunatics and mental deficients.

17. Prevention of cruelty to animals.

18. Adulteration of foodstuffs and other goods.

19. Drugs and poisons, subject to the provisions of entry 59 of List I with respect to opium.

20. Economic and social planning.

21. Commercial and industrial monopolies, combines and trusts.

22. Trade Unions; industrial and labour disputes.

23. Social security and social insurance; employment and unemployment.

24. Welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefits.

(Part II.—Extracts from the
Constitution)

25. Vocational and technical training of labour.

26. Legal, medical and other professions.

27. Relief and rehabilitation of persons displaced from their original place of residence by reason of the setting up of the Dominions of India and Pakistan.

28. Charities and charitable institutions, charitable and religious endowments and religious institutions.

29. Prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, animals or plants.

30. Vital statistics including registration of births and deaths.

31. Ports other than those declared by or under law made by Parliament or existing law to be major ports.

32. Shipping and navigation on inland waterways as regards mechanically propelled vessels and the rule of the road on such waterways and the carriage of passengers and goods on inland waterways subject to the provisions of List I with respect to national waterways.

(Part II.—*Extracts from the
Constitution*)

33. Trade and commerce in and the production, supply and distribution of, the products of industries where the control of such industries by the Union is declared by Parliament by law to be expedient in the public interest.

34. Price control.

35. Mechanically propelled vehicles including the principles on which taxes on such vehicles are to be levied.

36. Factories.

37. Boilers.

38. Electricity.

39. Newspapers, books and printing presses.

40. Archæological sites and remains other than those declared by Parliament by law to be of national importance.

41. Custody, management and disposal of property (including agricultural land) declared by law to be evacuee property.

42. Principles on which compensation for property acquired or requisitioned for the purposes of the Union or of a State or for any other public

(Part II.—Extracts from the
Constitution)

purpose is to be determined, and the form and the manner in which such compensation is to be given.

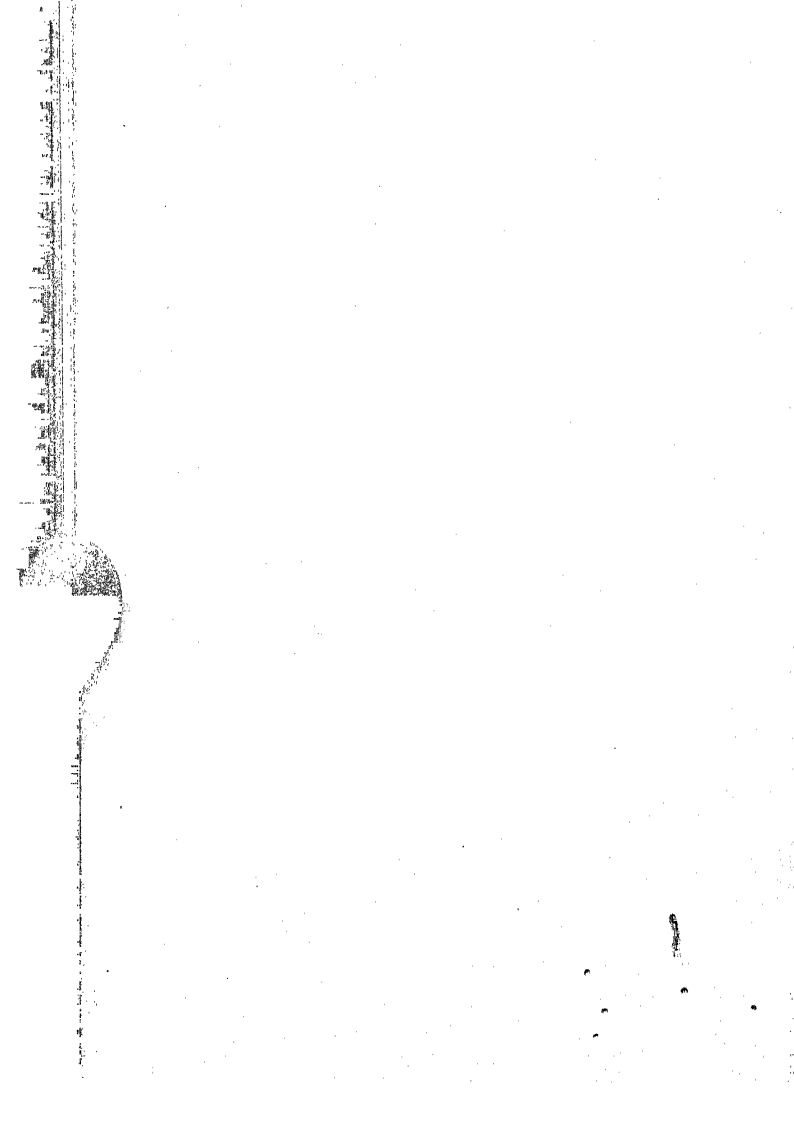
43. Recovery in a State of claims in respect of taxes and other public demands, including arrears of land-revenue and sums recoverable as such arrears, arising outside that State.

44. Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty.

45. Inquiries and statistics for the purposes of any of the matters specified in List II or List III.

46. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.

47. Fees in respect of any of the matters in this List, but not including fees taken in any court.



PART III

Statutes

PART III

Statutes

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

7. A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State—

Disqualifications for membership of Parliament or of a State Legislature.

(a) if whether before or after the commencement of the Constitution, he has been convicted, or has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty, of any offence or corrupt or illegal practice which has been declared by section 139 or section 140 to be an offence or practice entailing disqualification for membership of Parliament and of the Legislature of every State, unless such period has elapsed as has been provided in that behalf in the said section 139 or section 140, as the case may be;

(b) if whether before or after the commencement of the Constitution, he has been convicted by a court in India of any

(Part III.—Statutes)

offence and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the Election Commission may allow in any particular case, has elapsed since his release;

(c) if having been nominated as a candidate for Parliament or the Legislature of any State or having acted as an election agent of any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by or under this Act, unless five years have elapsed from the date by which the return ought to have been lodged or the Election Commission has removed the disqualification;

(d) if whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, he has any share or interest in a contract for the supply of goods to, or for the execution

(Part III.—Statutes)

of any works or the performance of any services undertaken by, the appropriate Government;

- (e) if he is a director or managing agent of, or holds any office of profit under, any corporation in which the appropriate Government has any share or financial interest;
- (f) if having held any office under the Government of India or the Government of any State or under the Crown in India or under the Government of an Indian State, he has, whether before or after the commencement of the Constitution, been dismissed for corruption or disloyalty to the State, unless a period of five years has elapsed since his dismissal.

8. (1) Notwithstanding anything Savings.
in section 7—

- (a) a disqualification under clause (a) or clause (b) of that section shall not, in the case of a person who becomes so disqualified by virtue of a conviction or a conviction and a sentence and is at the date of the

(Part III.—Statutes)

disqualification a member of Parliament or of the Legislature of a State, take effect until three months have elapsed from the date of such disqualification, or if within these three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of;

- (b) a disqualification under clause (c) of that section shall not take effect until the expiration of two months from the date by which the return of election expenses ought to have been lodged or of such longer period as the Election Commission may in any particular case allow;
- (c) a disqualification under clause (d) of that section shall not, where the share or interest in the contract devolves on a person by inheritance or succession or as a legatee, executor or administrator, take effect until the expiration of six months after it has so devolved on him or of such longer period as the Election Com-

(Part III.—Statutes)

mission may in any particular case allow;

- (d) a person shall not be disqualified under clause (d) of that section by reason of his having a share or interest in a contract entered into between a public company of which he is a shareholder but is neither a director holding an office of profit under the company nor a managing agent and the appropriate Government;
- (e) a person shall not be disqualified under clause (e) of that section by reason of his being a director unless the office of such director is declared by Parliament by law to so disqualify its holder;
- (f) a disqualification under clause (e) of that section shall not, in the case of a director, take effect where the law making any such declaration as is referred to in clause (e) of this section in respect of the office of such director has come into force after the director has been chosen a member of Parliament or of the Legislature of a State, as the case may be

(Part III.—Statutes)

until the expiration of six months after the date on which such law comes into force or of such longer period as the Election Commission may in any particular case allow;

- (g) a disqualification under clause (f) of that section may, in the case of any of the candidates for the first elections under this Act, be removed by the Election Commission for reasons to be recorded by it in writing.

(2) Nothing in clause (d) of section 7 shall extend to a contract entered into between a co-operative society and the appropriate Government.

Interpre-
tation, etc.

9. (1) In this Chapter—

- (a) “appropriate Government” means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Central Government and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the State Government;

(Part III.—Statutes)

- (b) "public company" means a public company as defined in section 2 of the Indian Companies Act, 1913 (VII of 1913).

(2) For the avoidance of doubt it is hereby declared that where any such contract as is referred to in clause (d) of section 7 has been entered into by or on behalf of a Hindu undivided family and the appropriate Government, every member of that family shall become subject to the disqualification mentioned in the said clause; but where the contract has been entered into by a member of a Hindu undivided family carrying on a separate business in course of such business, any other member of the said family having no share or interest in that business shall not become subject to such disqualification.

* * * *

68. (1) Any person who is chosen a member of both the House of the People and the Council of States and who has not taken his seat in either House may, by notice in writing signed by him and delivered to the Secretary to the Election Commission within ten days from the date of publication in the *Gazette of India* of the declarations that he has

Vacation
of seats
when elect-
ed to both
Houses of
Parliament.

(Part III.—Statutes)

been so chosen or, if such publications have been made on different dates, within ten days from the later of such dates, intimate in which of the Houses he wishes to serve, and thereupon, his seat in the House in which he does not wish to serve shall become vacant.

(2) In default of such intimation within the aforesaid period, his seat in the Council of States shall, at the expiration of that period, become vacant.

(3) Any intimation given under subsection (1) shall be final and irrevocable.

Vacation
of seats
by persons
already
members
of one
House on
election to
other
House of
Parliament.

69. (1) If a person who is already a member of the House of the People and has taken his seat in such House is chosen a member of the Council of States, his seat in the House of the People shall, on the publication in the *Gazette of India* of the declaration that he has been so chosen, become vacant.

(2) If a person who is already a member of the Council of States and has taken his seat in such Council is chosen a member of the House of the People, his seat in the Council of States shall, on the publication in the *Gazette of India* of the declaration that he has been so chosen, become vacant.

(Part III.—Statutes)

70. If a person is elected to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State, then, unless within the prescribed time he resigns all but one of the seats, all the seats shall become vacant.

Election to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State.

71. (1) After the elections held in pursuance of the notification issued under sub-section (1) of section 12, there shall be notified by the appropriate authority in the Official Gazette the names of the members elected by the elected members of the Legislative Assemblies of the States and by the members of the electoral colleges for the various Part C States and group of such States at the said elections together with the names of the persons nominated by the President to the Council under sub-clause (a) of clause (1) of article 80 or under any other provisions.

Publication of results of elections to the Council of States and of names of persons nominated by the President.

(2) After the elections held in any year in pursuance of the notifications issued under sub-section (2) of section 12, there shall be notified by the appropriate authority in the Official Gazette the names of the members elected by the elected members of the Legislative

(Part III.—Statutes)

Assemblies of the States and by the members of the electoral colleges for the various Part C States and group of such States * * * * at the said elections together with the names of any persons nominated by the President to the Council under sub-clause (a) of clause (1) of article 80 or under any other provisions.

(3) The notification of names under sub-section (1) or sub-section (2) shall be in addition to the publication of the declarations under section 67 and shall be made as soon as may be after the last of the dates fixed for the completion of the election under sub-section (1) or, as the case may be, sub-section (2) of section 12, and after the publication of the notification or notifications containing the names of persons nominated by the President to the Council under sub-clause (a) of clause (1) of article 80 or under any other provisions.

Term of
office of
members of
the Council
of States.

154. (1) The term of office of a member elected to fill the seat in the Council of States to be filled by the representative of the States of Ajmer and Coorg and of a member elected to fill the seat in that Council to be filled by the representative of the States of Manipur

(Part III.—Statutes)

and Tripura, other than a member chosen to fill a casual vacancy in either of those seats, shall be two years.

(2) Subject as aforesaid, the term of office of a member of the Council of States, other than a member chosen to fill a casual vacancy, shall be six years, but upon the first constitution of the Council of States the President shall, after consultation with the Election Commission, make by order such provision as he thinks fit for curtailing the term of office of some of the members then chosen in order that, as nearly as may be, one-third of the members holding seats of each class shall retire in every second year thereafter.

(3) A member chosen to fill a casual vacancy shall be chosen to serve for the remainder of his predecessor's term of office.

155. (1) The term of office of a member of the Council of States whose name is required to be notified in the Official Gazette under section 71 shall begin on the date of such notification.

Commencement of the term of office of members of the Council of States

(2) The term of office of a member of the Council of States whose name is not required to be notified under section 71 shall begin on the date of publication in the Official Gazette of

(Part III.—Statutes)

the declaration containing the name of such person as elected under section 67 or of the notification issued under sub-clause (a) of clause (1) of article 80 or under any other provision announcing the nomination of such person to the Council of States, as the case may be.

THE PARLIAMENT (PREVENTION OF DISQUALIFICATION) ACT, 1950

(XIX of 1950)¹

An Act to make provision in regard to certain offices of profit under article 102 of the Constitution.

BE it enacted by Parliament as follows:—

1. This Act may be called the Parliament (Prevention of Disqualification) Act, 1950. Short title.

2. A person shall not be disqualified for being chosen as, and for being, a member of Parliament by reason only of the fact that he holds any of the following offices of profit under the Government of India or the Government of any State, namely, an office of a Minister of State or a Deputy Minister or a Parliamentary Secretary or a Parliamentary Under Secretary. Prevention of disqualification for membership of Parliament.

¹For Statement of Objects and Reasons, see *Gazette of India*, 1950, Part V, p. 177.

**THE PARLIAMENT (PREVENTION
OF DISQUALIFICATION) ACT, 1951¹**

(LXVIII OF 1951)

An Act to declare certain offices of profit not to disqualify their holders for being chosen as, or for being, members of Parliament.

BE it enacted by Parliament as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Parliament (Prevention of Disqualification) Act, 1951.

(2) It shall be deemed to have come into force on the 26th day of January, 1950.

Prevention
of dis-
qualifica-
tion for
member-
ship of
Parliament
in certain
cases.

2. It is hereby declared that the following offices of profit under Government shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being, members of Parliament:—

(a) the offices of Chairman and members of the Fiscal Commission which was appointed by the Government of India in

¹For Statement of Objects and Reasons see Gazette of India, 1951, Part II—Sec. 2, pp. 144—145.

(Part III.—Statutes)

- the month of April, 1949 and which ceased to function in the month of June, 1950;
- (b) the offices of Chairman and member of the Film Enquiry Committee appointed by the Government of India in the month of August, 1949;
- (c) the office of Chairman of the Working Party for the Coal Industry appointed by the Government of India in the month of March, 1950;
- (d) the office of members of the Railway Local Advisory Committees appointed by the Government of India for the year ending on the 31st day of March, 1950 or for the year ending on the 31st day of March, 1951 or for the year ending on the 31st day of March, 1952;
- (e) the office of Chairman or Member of any other Committee appointed by the Government of India or the Government of any State, held for any period not extending beyond the 31st day of March, 1952;

250
(Part III.—Statutes)

- (f) the office of the Assistant Government Pleader held under the Government of Assam for any period not extending beyond the 8th day of November, 1950;
- (g) the office of member of the Enquiry Commission appointed by the Government of Assam or by the Government of West Bengal in pursuance of the Agreement made between India and Pakistan on the 8th April, 1950, for any period not extending beyond the 31st day of December, 1950; and
- (h) the office of member of the Bombay Revenue Tribunal for any period not extending beyond the 1st day of April, 1951.

PART IV

Miscellaneous



THE HOUSES OF PARLIAMENT (JOINT SITTINGS AND COMMUNICATIONS) RULES¹

In exercise of the powers conferred by clause (3) of article 118 of the Constitution of India, the President, after consultation with the Chairman of the Council of States and the Speaker of the House of the People, is pleased to make the following Rules as to the procedure with respect to joint sittings of, and communications between, the two Houses of Parliament, namely:—

CHAPTER I.—PRELIMINARY

1. These Rules may be called the Short title.
Houses of Parliament (Joint Sittings
and Communications) Rules.

2. In these Rules, unless the context Definitions.
otherwise requires,—

(a) "Council" means the Council
of States:

¹ Published under the Department of Parliamentary Affairs Notification No. 5 (1)-PA 52, dated the 16th May 1952, see *Gazette of India Extraordinary*, Part I—Sec. 1, dated the 20th May 1952, p. 1421.

(Part IV.—Miscellaneous)

- (b) "House" means the House of the People;
- (c) "Houses" means the Council of States and the House of the People;
- (d) "Joint Sitting" means a joint sitting of the Houses;
- (e) "Member" means a member of the Council or of the House;
- (f) "Secretary" means the Secretary of the House and includes any person for the time being performing the duties of the Secretary of the House;
- (g) "Speaker" means the Speaker of the House.

CHAPTER II.—JOINT SITTINGS OF HOUSES.

Summons
to Mem-
bers.

3. The Secretary shall issue a summons to each Member specifying the time and place for a joint sitting.

Time of
sittings.

4. The hour upon which a joint sitting shall adjourn and the day and hour or the part of the same day to which it shall be adjourned shall be determined by the Speaker.

Presiding
Officers.

5. During the absence of the Speaker from any joint sitting, the Deputy Speaker of the House or, if he is also

(Part IV.—Miscellaneous)

absent, the Deputy Chairman of the Council or, if he is also absent such other person as may be determined by the Members present at the sitting, shall preside.

6. The quorum to constitute a joint Quorum. sitting shall be one-tenth of the total number of Members of the Houses.

7. At any joint sitting the procedure Procedure. of the House shall apply with such modifications and variations as the Speaker may consider necessary or appropriate.

8. The Secretary shall cause to be prepared a full report of the proceedings of every joint sitting, and shall, as soon as practicable, publish it in such form and manner as the Speaker may, from time to time, direct. Report of proceedings of joint sittings.

CHAPTER III.—COMMUNICATIONS BETWEEN HOUSES

9. Communications between the Houses shall be by messages. Communication by messages.

10. Every message from the House to the Council or from the Council to the House shall be in writing or in print or partly in writing and partly in print and shall be signed by the Secretary Mode of sending messages.

(Part IV.—Miscellaneous)

of the House or the Council and conveyed to the Secretary of the Council or House, as the case may be.

Communi-
cation of
messages
to Mem-
bers.

11. (1) If any such message is received by the Secretary of the House or the Council when it is in session, he shall report the message to the House or the Council, as the case may be, at the first convenient opportunity after its receipt.

(2) Whenever the House or the Council to which a message is sent is not in session, a copy of the message shall, as soon as it is received by the Secretary of the House or the Council, be forwarded by him to every Member of the House or the Council, as the case may be.

Procedure
to deal
with the
subject
matter of
the mes-
sage.

12. The subject matter of the message shall be dealt with by the House or the Council, as the case may be, to which the message is sent according to the rules regulating its procedure and the conduct of its business.

**THE PROHIBITION OF SIMULTANEOUS MEMBERSHIP RULES,
1950¹**

In exercise of the powers conferred by clause (2) of article 101 and clause (2) of article 190 of the Constitution of India, the President is pleased to make the following rules, namely:—

1. These rules may be called the Prohibition of Simultaneous Membership Rules, 1950.

2. The period at the expiration of which the seat in Parliament of a person who is chosen a member both of Parliament and of a House of the Legislature of a State specified in Part A or Part B of the First Schedule to the Constitution of India (hereinafter referred to as 'the Constitution') shall become vacant, unless he has previously resigned his seat in the Legislature of such State, shall be fourteen days from the date of publication in the *Gazette of India* or in the Official Gazette of the State, whichever is later, of the declaration that he has been so chosen:

¹ Ministry of Law Notification No. F.46/50-C, dated the 26th January 1950, vide *Gazette of India Extraordinary*, 1950, p. 678.

(Part IV.—Miscellaneous)

Provided that in the case where a person who is a member of a House of the Legislature of any such State has been chosen to fill any seat in Parliament under the provisions of clause (3) of article 379 of the Constitution and the declaration that he has been so chosen has been published in the *Gazette of India* on any date earlier than the twenty-sixth day of January, 1950, the said period shall be the period expiring on the tenth day of February, 1950.

3. The period at the expiration of which the seat of a person who is chosen a member of the Legislatures of two or more States specified in the First Schedule to the Constitution in the Legislatures of all such States shall become vacant, unless he has previously resigned his seat in the Legislatures of all but one of the States shall be ten days from the later or, as the case may be, the latest of the dates of publication in the Official Gazettes of such States of the declarations that he has been so chosen.

**THE COUNCIL OF STATES (TERM
OF OFFICE OF MEMBERS) ORDER,
1952¹**

In pursuance of sub-section (2) of section 154 of the Representation of the People Act, 1951 (XLIII of 1951), the President, after consultation with the Election Commission, hereby makes the following Order:—

1. This Order may be called the Council of States (Term of Office of Members) Order, 1952.

2. For the purposes of this Order, members of the Council of States shall be grouped as shown in the first column of the Schedule to this Order, and the total number of members of each group shall be divided into three categories as shown in the second, third and fourth columns of the said Schedule.

3. The member or members of each group to be placed in each of the said

¹Published under the Ministry of Law Notification No. S.R.O. 1669, dated the 26th September 1952, vide *Gazette of India Extraordinary*, Part II—Sec. 3, pp. 859-860.

(Part IV.—Miscellaneous)

three categories shall be determined by the Election Commission by drawing lots in public in such manner as it may deem fit, after notifying in the *Gazette of India* the time and place at which the lots will be drawn; and the term of office of a member shall expire on the second day of April, 1958, 1956 or 1954, according as he is placed in the first, second or third category.

4. The Election Commission shall cause to be published in the *Gazette of India* a statement showing the terms of office of members as determined under paragraph 3.

5. If on the date on which lots are drawn under paragraph 3 any seats in the Council of States are vacant, all references to members in the foregoing provisions of this Order shall be construed as including references to the persons who last filled those seats.

THE SCHEDULE
(See paragraph 3)

MANUAL

(Part IV.—Miscellaneous)

249

Groups of Members		Number of members to be placed in		
		First category	Second category	Third category
1.	Representatives of Assam	2	2	2
2.	" Bihar	7	7	7
3.	" Bombay	6	6	5
4.	" Madhya Pradesh	4	4	4
5.	" Madras	9	9	9
6.	" Orissa	3	3	3
7.	" Punjab	3	2	3

(Part IV.—Miscellaneous)

	Groups of Members	Number of members to be placed in		
		First category	Second category	Third category
8.	Representatives of Uttar Pradesh . . .	10	11	10
9.	" " West Bengal . . .	5	4	5
10.	" " Hyderabad . . .	3	4	4
11.	" " Jammu and Kashmir . . .	2	1	1
12.	" " Madhya Bharat . . .	2	2	2
13.	" " Mysore . . .	2	2	2
14.	" " P. E. P. S. U. . . .	1	1	1
15.	" " Rajasthan . . .	3	3	3
16.	" " Saurashtra . . .	1	2	1

(Part IV.—Miscellaneous)

17.	"	Travancore-Cochin	.	2	2	2
18.	"	"	"	1	1	2
19.	"	{ Bhopal . Bilaspur-cum-Himachal Pradesh . Delhi and . Kutch .	{	2	1	1
20.	Members nominated by the President			4	4	4
				72	71	71

**PROCEDURE WITH REGARD TO
HOLDING OF BALLOT FOR
DETERMINATION OF RELATIVE
PRECEDENCE OF PRIVATE
MEMBERS' BILLS AND RESOLU-
TIONS.**

The Chairman has made the following orders with regard to the holding of ballot for the determination of the relative precedence of notices of Bills and resolutions given by private members:—

1. Not less than seventeen days before each day allotted for the disposal of private members' Bills or private members' resolutions, the Secretary shall cause to be placed in the Council Notice Office a numbered list. This list, shall be kept open for two days, and during those days and at hours when the office is open, any member who has given notice of a Bill or wishes to give or has given notice of a resolution, as the case may be, may have his name entered, in the case of a ballot for Bills, against one number for each Bill of which he has given notice up to the number of three, or

(Part IV.—Miscellaneous)

in the case of a ballot for resolutions, against one number only.

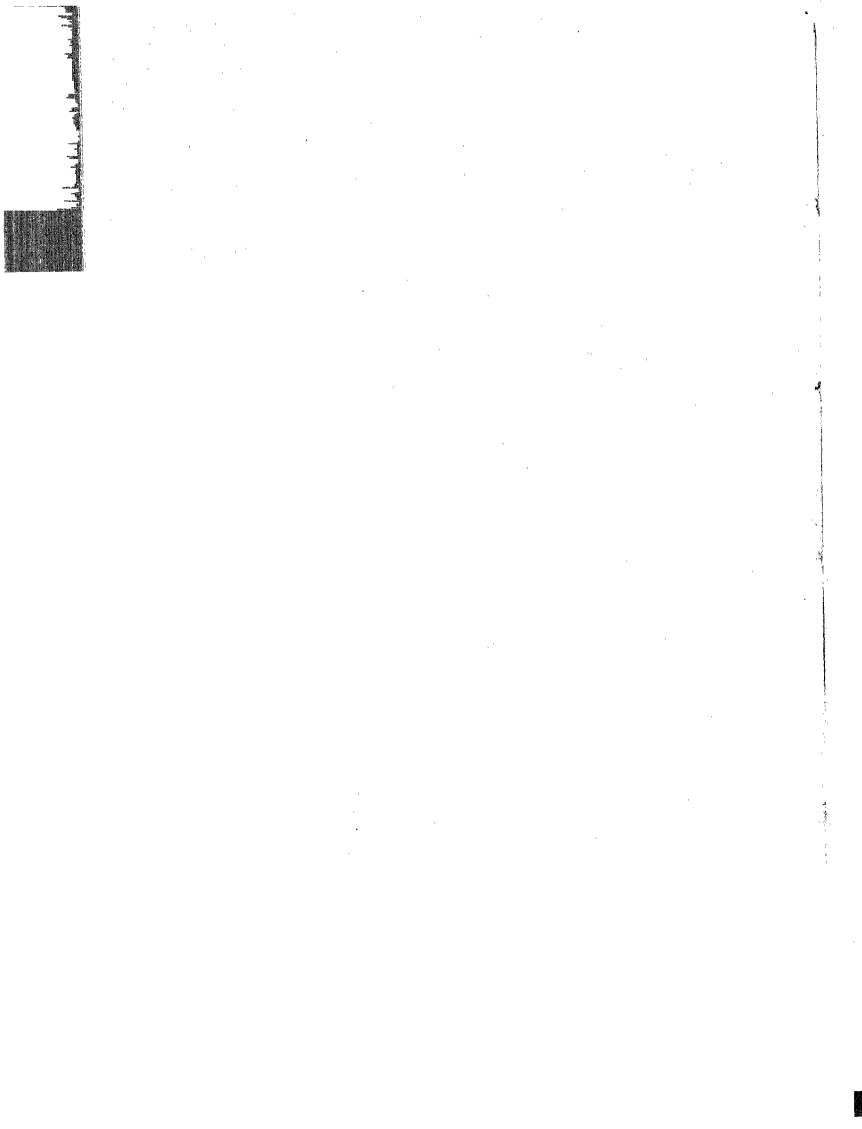
2. The ballot will be held before the Secretary in his office, and any member who wishes to attend may do so.

3. Papers with numbers corresponding to those against which entries have been made on the numbered list will be placed in a box.

4. A clerk will take out at hazard from the box one of the papers and the Secretary will call out from the list the corresponding name which will then be entered on a priority list. This procedure will be carried out till all the numbers or, in the case of a ballot for resolutions, five numbers have been drawn.

5. Priority on the list will entitle the member to have set down in the order of his priority for the day with reference to which the ballot is held any Bill or any resolution as the case may be, of which he has given notice required by the rules:

Provided that he or some other member authorised by him shall then and there specify such Bill or Bills or such resolution.



INDEX

A

ADDRESS BY PRESIDENT, TO HOUSES—

Discussion on, 8-10.

postponement of, 9.

Motion of thanks on, 8-9.

Government's right of reply to the debate
on, 9.

Special. at the commencement of first session
of each year, 133.

AFFIRMATION—See OATH OR AFFIRMATION.

AMENDMENTS—

General rules as to, 100-101.

Of the Constitution, 182-83.

Of Rules, 95-96.

To Bills—see BILLS.

To Business Advisory Committee's report, 18.

To motion of thanks, 8.

To motion for consideration of report of Com-
mittee of Privileges, 90.

To RESOLUTIONS—see RESOLUTIONS.

APPROPRIATION BILLS—See BILLS.

ATTORNEY-GENERAL OF INDIA—

• Rights as respects Houses of Parliament of,
133.

B

BALLOT—

Precedence of private members' Bills to be determined by, 11-13.

Precedence of private members' Resolutions to be determined by, 13-14.

Procedure for holding, to determine relative precedence of private members' Bills and Resolutions, 251-52.

BILLS—

Adjournment of debate on, 64.

AMENDMENTS TO—

admissibility of, 54-55.

disagreement between Houses in respect of, 61, 69.

effect of, on motion to pass a Bill, 58-59.

notice of, 44-45, 53.

order of consideration of, 56.

originating in the Council and procedure consequent thereon. 53-57.

originating in the House and procedure consequent thereon, 68-69.

requiring sanction or recommendation of President, 55, 159, 173.

restrictions on, when motion to pass Bill is made, 59.

return of Bills by House of People with, 60-61.

sanction or recommendation of President to, to be communicated to Secretary by Minister, 55.

BILLS—*contd.*AMENDMENTS TO—*contd.*

- selection of, power of Chairman, 55.
- stage at which to be moved, 56.
- when not to be moved, 39-40.
- withdrawal of, 57.

Appropriation Bills, 155-59.

Assent to, 70, 151.

Authentication of, 70.

Consideration of, 51-58, 66-67.

- clause-by-clause, 57-58.

- schedule, 57-58.

Delegating legislative power, 37.

Discussion on principles of, 39-40.

Effect of prorogation or dissolution on pending,
144.

Financial, 81-82, 159-160.

- memorandum to, and money clauses in,
36-37.

Introduction of, 35, 144.

- motion for leave to introduce, 35, 37.

- notice of motion for leave to introduce, 35.

Joint Committee of both Houses on—

- motion for reference to, 38-39.

Joint sitting of both Houses on—

- effect of, 146-147.

- presiding officer at and procedure of, 161,
241-43.

- summoned by President, 145.

Language of authoritative text of, 178.

Message to the House from the Council regard-
ing, 59, 67-68.

Money Bills, 82-84, 147-50, 161.

BILLS—*contd.*

Motions after introduction of, 38.

Not to lapse on prorogation, 99, 144.

Notice of, by private Members, 35.

Persons by whom motions regarding, may be
to be laid on the Table, 66.

Passing of, 58-59, 67, 144.

Persons by whom motions regarding, may be
made, 40.

Petitions on, 61-64.

authentication of signatories to, 61-62.

constitution and Chairman of Committee
on, 62-63.

form of, 61, 117-18.

presentation of, 62.

reference to and examination by Com-
mittee on, 63-64.

report of Committee on, 64.

Power of the Chairman of the Council to cor-
rect patent errors and make consequential
changes in a Bill as passed, 58.

Precedence of, 11-13.

Previous sanction or recommendation to in-
troduction of, 122, 159-60, 173-74, 179.

to be communicated to Secretary by Min-
ister, 36.

Principles of, discussion of, 39-40.

Publication of—

after introduction, 37-38.

before introduction, 35.

Reconsideration of, when returned by the Pre-
sident, 70, 151.

Rejection by Council of, 69-70.

BILLS—concl'd.

Removal from the Register of Bills of, 65-66.

Returned by the House with amendment, 60-61.

Returned to the House by the Council without agreement, 69.

Select Committee on—

Chairman of, 41.

composition of, 41.

meetings of, 43-44.

motion for reference to, 38, 67.

presence of members other than Committee members on, 42-43.

presentation of report by, 50-51.

printing and publication of reports of, 51.

procedure after presentation of reports of, 51-53.

procedure in, 44-48.

quorum of, 42.

reports by, 49-50.

reports of, to be signed by Chairman of Committee, 50.

recommittal to, 52.

sitting of, suspension in the event of division, 44.

sub-committees of, 43.

Submission of, to Council clause by clause, 57.

Withdrawal of, 64-65.

See also PRIVATE MEMBERS' BILLS.

BUDGET, 80-84.

Annual Financial Statement, 152-53.

• Consolidated Fund of India, 152-56.

Day allotted for financial business, other business on, 81.

BUDGET—*contd.*

Defined, 80.

Discussion on, prohibited on day of presentation, 80

Presentation of, in parts, 80-81.

BUSINESS—

Financial, 80-84, 147-60.

See also BUDGET.

Government—

arrangement of, 11.

precedence of, 11.

List of—

business not included in, not to be transacted, 15.

business not to be set down in, before expiration of notice, 15.

business requiring notice when to be included in, 15.

circulated to members, 15, 98.

Private Members'—

allotment of time for, 11.

outstanding at the end of day, 14.

precedence of, 11-14.

resumption of adjourned debate on, 14.

BUSINESS ADVISORY COMMITTEE—

Allocation of Time Order, 17-18.

amendments to, 18.

variation in, 18-19.

Casual vacancies in, 16-17.

Constitution of, 16.

Functions of, 17.

BUSINESS ADVISORY COMMITTEE—*contd.*

Presentation and circulation of the Report of,
17.

Quorum of, 17.

C

CASTING VOTE, of Chairman, 138.

CASUAL VACANCY—*See* VACANCIES IN
COUNCIL.

CHAIRMAN—

Of Council—

defined, 1.

Deputy Chairman or person presiding to
perform duties of, 134-35.

may revise Statement of Objects and
Reasons to a Bill, 35.

not to preside while a resolution for his
removal is under consideration, 135-36.

powers of, regarding procedure in Council,
3-5, 9-11, 13, 16, 26-28, 32-33, 35, 37, 41,
48, 53-59, 71-74, 76-78, 87, 90-91, 99-101,
113, 115-16.

proceedings of Council to be published as
directed by, 114.

rule-making powers of, 160.

salaries and allowances of, 136, 188-89.

see also VICE-PRESIDENT.

Of Committee of Privileges, 87.

Of Joint Sitting of both Houses, 161, 242-43.

Of Rules Committee, 95-96.

Of Select Committee on Bill, 41.

CLOSURE—

Debate on, not permitted, 107.

Limitation of debate in case of Bills, 108.

Motion for, how made and put, 107-108.

COMMITTEE—

BUSINESS ADVISORY—*See* BUSINESS ADVISORY COMMITTEE.

OF PARLIAMENT—

powers and privileges of, 142-43.

OF PRIVILEGES—

Chairman of, 87.

constitution of, 87.

procedure in, 88-91.

quorum of, 88.

reference of questions of privileges to, 86, 91.

report of, presentation and consideration of, 90.

see also QUESTION OF PRIVILEGES.

ON PETITIONS, *see under* BILLS.

ON RULES, 95-96.

Chairman of, 95-96.

composition of, 95-96.

quorum of, 96.

SELECT—*See under* BILLS.

COMMUNICATIONS—

Between Council and President, 97.

Between the Houses, 243-44.

See also MESSAGES.

CONCURRENT LIST, 214-19.

CONSOLIDATED FUND OF INDIA—*See* BUDGET.

CONSTITUTION OF INDIA—

Amendment of, procedure for, 182-83.

COUNCIL OF STATES, THE—

Admission of officers of the House of the People to, 115.

Admission of strangers to, 115.

Allocation of seats in, 190-92.

Chairman of, Vice-President to be *ex-officio*, 133.

Composition of, 127-28.

Disagreement of, with the House of the People, 61, 69.

Duration of, 130.

Elections to, and publication of results of, 231-32.

MEMBERS OF—

election and nomination of, 127-28, 231-32.

member in-charge of a Bill, 2.

notices by, 98.

notices to, 98.

personal charge against, prohibited in debate, 104.

personal explanation by, 105.

power to authorise another member to move his resolutions, 72-73.

private, defined, 2.

right of reply of, 106.

Roll of, 3.

rules to be observed by, while present in Council, 102-105.

seating of, 3.

suspension of, 112-13.

COUNCIL OF STATES, THE—*contd.*MEMBERS OF—*contd.*

term of office of, 232-34, 247-50.

vacation of seats by, 92-94.

when, may address the Council in his mother tongue, 162.

withdrawal of, when may be directed by Chairman. 112.

see also PARLIAMENT, MEMBERS OF.

Quorum of, 138.

Secretariat of, 136-37.

Sittings of, 7.

leave of absence of members from, 92-93.

suspension of, 113.

COUNCIL OF STATES (TERM OF OFFICE OF MEMBERS) ORDER, 1952, THE, 247-50.

D

DEBATES—

Adjournment of, on Bills. 64.

Expunging of words from, 114.

Irrelevance or repetition in, 105.

Limitations on, 39-40, 59, 65, 66-67, 74, 103-105, 108.

Prohibition of, in certain cases, 30, 51, 80, 106-107.

Report of proceedings of, 114.

DEPUTY CHAIRMAN—

OF THE COUNCIL OF STATES—

election of, 4-5, 133-34.

functions of, 6, 134-35.

DEPUTY CHAIRMAN—*contd.*OF THE COUNCIL OF STATES—*contd.*

not to preside while a resolution for his removal from office is under consideration, 135-36.

salaries and allowances of, 136-37, 188-89.

to preside over Joint Sitzings in the absence of the Speaker and the Deputy Speaker, 242-43.

vacation and resignation of, and removal from the office of, 134.

DEPUTY SPEAKER—

OF THE HOUSE OF THE PEOPLE—

salaries and allowances of, 136-37, 188-89.

to preside over Joint Sitzings in the absence of the Speaker, 242-43.

DILATORY MOTIONS—*See* MOTIONS.

DISORDER, Chairman's powers in cases of, 112-13.

DISQUALIFICATION OF MEMBERS—

CAUSES OF—

absence from sittings of the Council, 140.

holding of office of profit, 140.

membership of both Houses, 138-39.

membership of any other legislative body, 139.

not a citizen of India, 140-41.

other, 223-229.

Decision on questions as to, 141.

DIVISION—

Procedure regarding, 110-12.

Result of, not to be challenged. 111.

DIVISION—*contd.*

Sitting of Select Committee to be suspended in the event of, 44.

DURATION OF COUNCIL, 130.

E

ELECTION—

Disqualification for, as members, 138-41, 223-29.

Of Deputy Chairman, 4-5, 133-34.

Of members, 175-76, 229-31.

Publication of results of, to Council of States, 231-32.

ELECTION COMMISSION—

Superintendence, direction and control of all elections to be vested in, 175-76.

EMERGENCY—

Proclamation of, 179-81.

duration of, 179-80.

effect of, 181.

laying of, before each House of Parliament, 180.

provisions in case of, 179-81.

revocation of, 179.

EVIDENCE of experts and representatives of special interests before Select Committee, 45-46.

EXPLANATIONS—

Personal, by Member, 105.

Question put, for purposes of, 105.

EXPULSION OF A MEMBER, 112.

F

FINANCIAL BILLS—*See* BILLS.

FINANCE MINISTER—

Right of reply of, to discussion on Budget, 80.

G

GOVERNMENT BUSINESS—See BUSINESS.

H

HALF-AN-HOUR DISCUSSION, 32-34.

Admissibility of, 33.

Allotment of time for, 32.

Notice of, 32.

Relative Precedence of, 33-34.

HOUSE OF THE PEOPLE, THE—

Admission to Council of Officers of, 115.

Composition of, 129-30.

Disagreement of, with the Council on Bills,
61, 69.

Dissolution of, 132.

Duration of, 131.

Powers of, regarding votes on account, votes of
credit and exceptional grants, 157-59.

I

INTRODUCTION OF BILLS—See BILLS.

IRRELEVANCE—

Power of Chairman regarding, in debates, 105

J

JOINT COMMITTEE—

Reference of a Bill to, 38-39.

JOINT SITTING OF PARLIAMENT—

Presiding Officer at, 161, 242-43.

JOINT SITTING OF PARLIAMENT—*contd.*

Procedure for, 243.

Quorum of, 243.

Reports of proceedings of, 243.

Summons to members for, 242.

Time of, 242.

L

LANGUAGE—

Enactment of laws relating to, special provision as to, 178-79.

Of authoritative text of Bills. etc., 178.

OFFICIAL—

English to continue for fifteen years as, 177.

of the Union to be Hindi, 176-77.

To be used in Parliament, 162.

LEAVE OF ABSENCE—

From meetings of Council. 92-93.

LIST OF BUSINESS. 15-16.

M

MATTERS OF PUBLIC INTEREST—*See* MOTIONS
ON MATTERS OF PUBLIC INTEREST.

MATTER OF URGENT PUBLIC IMPORTANCE
—*See* MOTION FOR PAPERS.

MEMBERS—

OF COUNCIL OF STATES—*See* under COUNCIL
OF STATES.

OF PARLIAMENT—*See* under PARLIAMENT.

MESSAGES—

From the Council to the House, 59, 67, 69.

Secretary of the House or the Council to sign,
243-44.

To the Council by President, 10, 132.

MINISTER—

Agreement of, to short notice questions, 30.

Finance Minister, 1.

Right of, to address a Select Committee, 43.

Right of, to address and take part in the proceedings of either House, 133.

Statement by, on matters of public importance,
109.

When may speak for thirty minutes on Resolution, 73-74.

MONEY BILLS—*See* BILLS.

MOTIONS—

Amendments of, rules as to, 100-101.

Closure, 107.

Debate on, how limited, 103-105.

Dilatory, 100.

FOR PAPERS, 78-79.

Of thanks on the President's Address to the Houses, 8-9.

ON MATTERS OF PUBLIC INTEREST, 76-78.

admissibility of, 76-77.

allotment of time and discussion of, 77.

circulation of, 77.

No-Day-Yet-Named Motions, 77.

notice of, 76.

MOTIONS—*contd.*ON MATTERS OF PUBLIC INTEREST—*contd.*

question to be put at the appointed time
for decision of the Council on, 78.

time-limit for speeches on, 78.

Order of speeches on, 106.

Repetition of, prohibited, 99.

Withdrawal of, 99-100.

N

NOTICES—

Chairman's power to amend, 99.

Giving of, by and to members, 98.

Lapse of, on prorogation of a session, 99.

Should be left at Notice Office, 98.

Should be signed by member giving notice, 98.

O

OATH OR AFFIRMATION—

By members of Parliament, 137.

Form of, 189-90.

Penalty for sitting and voting before making,
141-42.

ORDER, POINT OF—

Decision on, to be final, 113.

Submission of, for decision, 113.

Chairman to decide, 113.

ORDER OF SPEECHES—*See* DEBATES.

ORDINANCES—

Promulgation of, 163-64.

OUTSTANDING BUSINESS—

Private members', 14.

P

PAPERS—

Laid on the Table to be public, 109.

Quoted to be laid on the Table, 109.

PARLIAMENT—

Act of, lack of requirements as to recommendation or previous sanction not to invalidate, 173.

Constitution of, 127.

Council of States—See COUNCIL OF STATES.

Duration of Houses of, 130-31.

House of the People—See HOUSE OF THE PEOPLE.

Houses of, to meet at least twice every year. 132.

Joint sittings of both Houses of, 145-47, 241-43.

Language to be used in, 162.

Laws made by—

 extent of. 166.

 to prevail over State laws in certain cases, 170, 172-73.

Legislative procedure in,—

 in respect of financial matters, 152-60.

 in respect of Money Bills, 147-49.

 in respect of votes on account, votes of credit and exceptional grants, 157-59.

 with respect to estimates, 154-55.

PARLIAMENT—*contd.*

Members of—

- disqualifications for, 140-41, 223-29.
- not liable to proceedings for speech or vote in Parliament, 142.
- oath or affirmation by, 137, 189-90.
- powers and privileges of, 142-43.
- qualifications for, 131.
- salaries, allowances, etc., of, 143.
- vacation of seats by, 138-40, 229-31, 245-46.
- voting by, without making oath or affirmation, penalty for, 141-42.

Officers of, 133-37.

Power of—

- to admit new States into the Union, 121.
- to alter areas, boundaries or names of States, 121-22.
- to amend First and Fourth Schedules of the Constitution in certain cases, 112-23.
- to constitute High Courts for Part C States, 165-66.
- to establish new States, 121.
- to extend its own duration in emergencies, 131.
- to impose restrictions on freedom of trade, commerce, etc., within the Union, 174-75.
- to legislate on matters in Concurrent List, 166-67.
- to legislate with respect to matters in State List—
 - during emergencies, 169-70.
 - in national interest, 168-69.

PARLIAMENT—*contd.*Power of—*contd.*

to legislate with respect to matters in State List for two or more States by consent, 170-71.

to legislate with respect to matters in Union List, 166.

to make laws to give effect to international agreements, 171.

to make laws with respect to trade and commerce within a State and production, supply and distribution of certain commodities during the first five years. 183-84.

to prescribe the manner of election of representatives of Part C States to Council of States, 128.

to provide for representation in the House of the People of Part C States and territories other than States, 129-30.

to provide for the establishment of courts for better administration of laws made by Parliament, 167.

to provide for the use of English language or Devanagari form of numerals after 15 years, 177.

to regulate its procedure in financial matters, 161.

Powers, privileges, etc., of, 142-43.

Proceedings of—

Courts not to inquire into validity of, 163.

Prorogation of, 132.

PARLIAMENT—*contd.*

Quorum for a meeting of, 138.

Residuary powers of legislation vest in, 168.

Restrictions on discussion in, 162.

Rules of procedure of, power of each House to make, 160-61.

Secretariats of Houses of, 136-37.

Summoning of, 132.

Voting in, 137-38.

See also COUNCIL OF STATES, THE; HOUSE OF THE PEOPLE, THE.

PARLIAMENT (PREVENTION OF DISQUALIFICATION) ACT, 1950, 235.

PARLIAMENT (PREVENTION OF DISQUALIFICATION) ACT, 1951, 236-38.

PETITIONS, RELATING TO A BILL—*See* BILLS.

POINTS OF ORDER, 113.

PRECEDENCE—

Of private members' Bills and Resolutions, 11-13.

Of private members' Business, 11.

See also BALLOT.

PRESIDENT, 123.

Address and message to Council by, 8-10, 132.

Address to Parliament by, 133.

Bill passed by both Houses to be presented to 70, 151.

Bill returned by, for reconsideration, 70, 151.

Bills and amendments requiring recommendation or previous sanction of, 36, 55, 122, 159, 173-74, 179.

Communications between the Council and, 97

PRESIDENT—contd.

Conveying recommendation or previous sanction of, terms of communication for, 101-102.

Dissolution of House of the People by, 132.

Joint sitting of both Houses to be summoned by, 145.

Legislative powers of, 163-64.

Nomination of members to Council of States, 127.

Parliament consists of, and two Houses. 127.

Power regarding proclamation of emergency, 179-81.

Rule making powers regarding Parliament, 161.

Summoning and prorogation of Parliament by, 10, 132.

PREVIOUS SANCTION, where required for introduction of Bills, 122, 159, 173-74, 179.

PRIVATE MEMBERS' BILLS—

Allotment of time for, 11, 14.

Introduction of, 35-36.

Precedence of, 11-13, 251-52.

President's sanction or recommendation where required to be obtained through a Minister, 36, 55.

Resumption of adjourned debate on, 14-15.

PRIVATE MEMBERS' RESOLUTIONS—

Allotment of time for, 11, 14.

Not more than five resolutions to be set down for any day, 15-16.

Relative precedence of, 13-14.

PRIVATE MEMBERS' RESOLUTIONS—*contd.*

Resumption of adjourned debate on, 14-15.

PROCEEDINGS OF THE COUNCIL OF STATES
—See DEBATES.

PROHIBITION OF SIMULTANEOUS MEMBERSHIP RULES, 1950, 245-46.

PROROGATION OF COUNCIL, 10, 132.

Lapse of pending notices on, 99.

PUBLICATION—

Of Bills after introduction, 37-38.

Of Bills before introduction, 35.

Of evidence tendered before Select Committee, 47.

Of proceedings of the Council, 114.

Of Select Committee Report on Bill, 51.

Q

QUESTIONS—

Admissibility of, 23-27.

Allotment of days to Ministries for answers to, 22.

Days for asking and answering, 20.

Discussion on, or on answers to, prohibited, 30.

First hour on allotted days available for, 20.

List of, 28.

Matters to which, must relate, 23-26.

Mode of asking, 29.

Notice of, form of, 20-21.

Notice to Ministers of, 21, 30-31.

Of absent members, 29-30.

QUESTIONS—*contd.*

- On matters of correspondence between Government of India and State Government, 26.
- Order in which, to be called, 28.
- Publicity of answers to, in advance prohibited, 31.
- Short notice, 30-31.
- Starred and unstarred, 21-22, 27-28.
- Supplementary, 30.
- To be asked through Chairman, 105.
- To private members, 23.
- Withdrawal or postponement of, 28-29.

QUESTION FOR DECISION, 108.

- Procedure for obtaining decision of Council, 108.
- Putting the Question, 108.
- Speeches after collection of voices, prohibited, 108.

QUESTION OF PRIVILEGE, 85-91.

- Admissibility of, 85.
- Mode of raising, 85-86.
- Notice of, 85.
- Reference of, to Committee of Privileges, 86-87, 91.
- See also* COMMITTEE OF PRIVILEGES.

QUORUM—

- Of a House of Parliament, 138.
- Of Business Advisory Committee, 17.
- Of Committee of Privileges, 88.
- Of Joint, Sittings of Parliament, 243.
- Of Rules Committee, 96.
- Of Select Committee, 42.

R

RECOMMITTAL OF BILL TO SELECT COMMITTEE, 52.

REPETITION—

Motions raising questions already decided, 74-75, 99.

Power of Chairman regarding, 105.

REPLY, RIGHT OF—

Mover has, subject to right of Minister concerned to speak last, 106.

RESOLUTIONS—

Admissibility of—

Chairman to decide, 72.
conditions of, 71-72.

AMENDMENTS TO, 73.

notice of, 73.
repetition of, 74-75.
withdrawal of, 74.

Copy of, to be sent to Minister concerned, when passed, 75.

Form of, 71.

Moving of, 72-73.

Notice of, 71.

Of absentee members, 73.

Precedence of, 13-15, 251-52.

Repetition of, prohibited, 74.

Resumption of adjourned debate on, 14-15.

Scope of discussion on, 74.

Splitting of, by Chairman, 74.

Subject-matter of, 71.

Time-limit of speeches on, 73-74.

RESOLUTIONS—*contd.*

Withdrawal of, or amendment thereto, 74; see
also PRIVATE MEMBERS' RESOLUTIONS.

RULES—

Amendment of, 95-96.

Of procedure, power of each House to make.
160-61.

Suspension of, 115-16.

RULES COMMITTEE—See COMMITTEE ON
RULES.

S

SANCTION—See PREVIOUS SANCTION.

SEATING OF MEMBERS, 3.

SECRETARY TO THE COUNCIL OF STATES—

Defined, 2.

Members to sign roll in presence of, 3.

To issue summons to members, 3.

To prepare List of Business, 15.

SELECT COMMITTEE ON BILLS—See BILLS.

SESSION OF COUNCIL—

Ballot procedure for deciding precedence of
Private Members' Bills and Resolutions
during, 11-14, 251-52.

Bill pending at the prorogation of, not to
lapse, 144.

Date and place of meeting for a, to be appointed
by President, 132.

SESSION OF COUNCIL—*contd.*

Prorogation of, 132.

effect of, on pending notices, 99.

Resolution moved during moving of similar resolution within one year prohibited, 74-75.

Resolution not discussed during, to be deemed withdrawn, 74.

Resolution withdrawn by leave during moving of similar resolution during same session prohibited, 75.

SHORT NOTICE QUESTIONS—*See* QUESTIONS.

SITTINGS OF THE COUNCIL—

Suspension of, 113.

When duly constituted, 7.

SPEAKER—

Of the House of the People—

casting vote of, 137-38.

salaries and allowances of, 136, 188-89.

to preside over Joint Sittings, 161, 242-43.

SPEECH—

Time-limit of, on Resolutions, 73.

Members not liable to proceedings for, 142.

STATE LIST, 206-14.

STATES, THE—

Legislative relations between the Union and, 166-74.

Of Indian Union, 184-88.

STRANGERS—

Admission to and withdrawal from the Council of, 115.

SUMMONS—

To members of the Council, 3.

To members of Parliament for Joint Sitzings,
242.

SUPPLEMENTARY QUESTIONS—See QUESTIONS.

SUSPENSION—

Of members, 112-13.

Of rules, 115-16.

Of the sittings of the Council, 113.

T

TABLE OF SEATS IN COUNCIL OF STATES,
190-92.

TABLE OF THE COUNCIL—

Papers to be laid on, 109.

TIME ORDER—See BUSINESS ADVISORY COMMITTEE.

TRADE AND COMMERCE—

Power of Parliament to impose restriction on,
174-75.

Legislative powers of the Union and the
States with regard to, 175.

U

UNION—

Admission into, or establishment of new
States in, 121.

UNION—*contd.*

Formation of new States and alteration of areas, boundaries and names of existing States in, 121-22.

Legislative relations between the States and, 166-76.

Name and territory of, 121.

President of, 123.

States of, 184-88.

Vice-President of, 123.

UNION LIST, 193-206.

V

VACANCY IN SEATS OF MEMBERS—

Causes of—

absence from the sittings of the Council, 140.

acceptance of office of profit, etc., etc., 140-41.

membership of other Legislative bodies, 138-39.

resignation, 139.

Vacation of seats—

in Council, 92-94.

in Parliament, 138-40, 229-31, 245-46.

VICE-CHAIRMEN OF THE COUNCIL OF STATES—

Functions of, 5-6.

Panel of, 5.

Term of office of, 5.

VICE-PRESIDENT OF INDIA, 123.

Casual vacancy in the office of, 126.

VICE-PRESIDENT OF INDIA—*contd.*

Conditions of office of, 124-25.

Election of, 124-25.

Is *ex-officio* Chairman of the Council of States, 123.

Oath or affirmation by, 127.

Qualification for election as, 124-25.

Removal from office of, 125-26.

Resignation of office by, 125-26.

Term of office of, 125-26.

VOTE—

In Houses of Parliament, 137-38.

Penalty for sitting and voting before making oath or affirmation when not qualified to, 141-42.

Casting—

of the Chairman and the Speaker, 138.

of the Chairman of Select Committee, 43.

WITHDRAWAL—

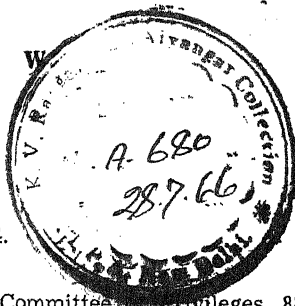
Of Bill, 64.

Of Member, 112.

Of Motion, 99.

Of Question, 28.

Of Resolution, 74.



WITNESSES—

Examination by Committee on Privileges, 88-89.

Examination by Select Committee, 46-47.